

8 May 2019

His Worship the Mayor & Councillors

**Notice of Ordinary Meeting of Bathurst Regional Council - Wednesday,  
15 May 2019**

I have to advise that an **Ordinary Meeting** of Bathurst Regional Council will be held in the Council Chambers on Wednesday, 15 May 2019 commencing at 6.00 pm.

From 6.00 pm to 6.15 pm there will be an opportunity for members of the public to raise matters with Council and staff.



D J Sherley  
**GENERAL MANAGER**

# **BUSINESS AGENDA**

## **ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**

**TO BE HELD ON WEDNESDAY, 15 MAY 2019**

**1. 6:00 PM - MEETING COMMENCES**

**2. PUBLIC FORUM**

**3. PRAYER**

Almighty God, Give wisdom to those in authority and guide all peoples in the way of righteousness and peace, so that we may share with justice the resources of the earth, work together in trust and seek the common good. Amen.

**4. APOLOGIES**

**5. MINUTES**

- \* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 APRIL 2019
- \* MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 MAY 2019

**6. DECLARATION OF INTEREST**

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

**7. MAYORAL MINUTE**

**8. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

- \* GENERAL MANAGER'S REPORT
- \* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT
- \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT
- \* DIRECTOR ENGINEERING SERVICES' REPORT
- \* DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT

**9. REPORTS OF OTHER COMMITTEES**

- \* MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2019

**10. NOTICES OF MOTION - Nil**

**11. RESCISSION MOTIONS - Nil**

**12. COUNCILLORS/ DELEGATES REPORTS**

\* COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 APRIL 2019

\* MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 2 APRIL 2019

### 13. RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS

**Recommendation:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005,:

1. In accordance with Section 9(2A) of the Local Government Act 1993, it is the opinion of the General Manager that the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.
2. In accordance with Section 10B(1) it is considered that discussion of the matter in open meeting, would on balance, be contrary to the public interest.
3. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee.

#### \* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN LANDS) OVER FORMER BATHURST GASWORKS SITE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

#### \* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR FINANCIAL ASSISTANCE	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual

concerned.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY AND ELEVATED BOARDWALK AT MOUNT PANORAMA, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT BATHURST AERODROME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

**14. RESOLVE INTO OPEN COUNCIL**

**15. ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

**16. MEETING CLOSE**

## MINUTE

### 1 MEETING COMMENCES

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

## MINUTE

### 2 PUBLIC FORUM

**G Boshier & N Burgess** – Youth Council spoke to the report to Council including; Y-Jam Event, Structure of the Youth Council and objectives. Applications opened today for the new Council.

**J Blackwood** – BCCAN and Greening Bathurst spoke of various neuro diseases that are around eg MND, they are terrible. Noted some of these diseases are due to environmental matters, referred to Blue Green Algae at Chifley Dam and the problems this can cause. Noted toxins generated and possible linkage to MND. Expressed concern at increased recreational use of Chifley Dam, noting Council is not measuring the toxins, this is difficult, but every effort needs to be made. Asks Council to obtain independent advice on this issue.

**C O'Rourke** – Ratepayer raised planning matters. Referred to house at 261 Lambert Street. Also noted house at 190 Rankin Street size, concrete levels utilised. Houses are often giant heat gatherers. People need to exercise, need more footpaths. Noted survey by general practitioners and results on mental health issues. Need to provide green open spaces, need well designed houses and footpaths. Request Council revisit the housing strategy and that a citizens' jury be formed.

### EXTENSION OF TIME

**MOVED** Cr North and **SECONDED** Cr Morse

**RESOLVED:** That an extension of time be granted for C O'Rourke

**S Miller** - 720 Vale Road, Orton Park spoke to Development Application 2019/26 and colourbond shed that has been approved. Staff have not taken into account the balance of issues to be considered. Noted, has spoken to Cr Fry who was concerned. The Development Application was signed off by staff who had no knowledge of the historic home - 'Rainham'. The Development Application will destroy views for the 1830's homestead.

**R Miller** - 720 Vale Road, Orton Park owner of 'Rainham' and noted was not aware of the Development Application, first they knew about it was when a granite plinth arrived. Spoke to heritage nature of 'Rainham' and reference to it in various books. 'Rainham' is a significant heritage item and spoke to the building and people aligned with the building and its development. Suggest Council track down G Lupp's book and the history book on Thomas Raine. In regards to the colourbond shed, no consultation occurred.

**S Bathgate** - Bathurst Heritage Network (BHN) spoke to issue with 'Rainham' the owners should have been notified, referred to the Manning case and decision of the court. Then spoke to notification requirements of the DCP and public interest tests. There was no pre Development Application meeting as is required, nor is there a heritage assessment with the Development Application. The approval is deficient. Then spoke to the community consultation plan which is currently under consideration. Asks Planning Director get with Millers to get a compromise and that the Consultation Plan include stronger consultation requirements.

**G Crisp** - Ratepayer and Customer Water Supply currently being taken to court by the Electoral Commission and seeks Council support, relates to last time he stood for Council. Then spoke to s:411 of the Local Government Act and refusal by Council to provide him with

explanations as requested. Feels if prosecuted then this could apply to some of the existing Councillors. Then spoke to Australian Electoral Act and whether it may contain similar provisions to the NSW Act may cause issues. Will subpoena Mr Sherley, the General Manager.

**D McNab** - Ratepayer - Mitre / Suttor / Lambert Intersection thanked the Director Engineering Services and staff for the work done on this project. On behalf of mothers and grandmothers of Bathurst, this was the second best mother's day present possible. Aware this is a large project and disruption will occur. Spoke to problems with existing intersection. Thanked Council for ability to speak at Council meetings and trusts this will continue.

**N Cox** - Resident suggests a Welcome to Country occurs before formal meetings. Then spoke to Traffic Study and questioned what is happening with the Central Business District (CBD) flow and parking provision in the city. Noted sustainability issues that need to be considered. Also raised Code of Meeting Practice discussion and the ability to speak to the Council in a Public Forum and the proposal for the General Manager to restrict the number of speakers.

**P Dowling** - Resident thanked the Director of Engineering Services for action taken at the corner of Peel and Lambert Streets, Bathurst. Then raised issue of 'Bathurst' being written under the Mount Panorama sign on the Mount. Needs a permanent sign put in, it goes back 20 years. Has spoken to Councillors many times on this proposal. Council need to provide funding for this work and get it done.

**The Director Engineering Services** advised planning work has occurred to get approvals in place for these works, also spoke to boardwalk project

**B Triming** - Bathurst Regional Access Committee (BRAC) spoke to access to Electric Vehicle (EV) recharge centre, noted this is being looked at. Queried costings and who paid for charging stations and noted the number of EV fittings.

**B Triming** - 213 George Street, Bathurst spoke to accessible parking issues, renovations that occurred on this site which meant that parking spot had to be relocated, who will fund.

**B Triming** - Bathurst Regional Access Committee (BRAC) congratulations to Council for extra ramps for ANZAC Day. Then raised footpath dining issues and submission made to Council. Noted problems that are occurring and lack of footpath accessibility. Needs to be addressed. Request Council review the policy on footpath dining.

**The Director Environmental Planning and Building Services** advised that the Electronic Vehicle (EV) station concrete pad was funded by Council, units by Tesla.

**The Director Engineering Services** with reference to 213 George Street advised Council will pay.

## MINUTE

### 3 APOLOGIES

Nil



## MINUTES

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 APRIL 2019 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 April 2019 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 April 2019, are **attached**.

**Financial Implications:** N/A

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

### **4 Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 17 APRIL 2019 (11.00005)**

**MOVED: Cr B Bourke SECONDED: Cr W Aubin**

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 17 April 2019 be adopted.

## **2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 1 MAY 2019 (11.00005)**

**Recommendation:** That the Minutes of the Ordinary Meeting of Council following Policy held on 1 May 2019 be adopted.

**Report:** The Minutes of the Ordinary Meeting of Council following Policy held on 1 May 2019, are **attached**.

**Financial Implications:** N/A

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**5 Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL**  
**- 1 MAY 2019 (11.00005)**

**MOVED: Cr W Aubin SECONDED: Cr I North**

**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy held on 1 May 2019 be adopted.

**MINUTES OF THE ORDINARY MEETING OF BATHURST REGIONAL COUNCIL  
HELD ON 17 APRIL 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

**PUBLIC FORUM**

**2 PUBLIC FORUM**

**L Sargent** - Neighbour - Re 261 Lambert Street - DA2018/103 - objecting to Development Application on behalf of self and other neighbours in Lambert and Stewart Street and expressed the following concerns:

- The two storey dwelling is close to backyard, and the overshadowing that will result
- Impact on two trees
- The two storey development is not appropriate in this heritage area of Bathurst

**C O'Rourke** - Ratepayer - Re 261 Lambert Street - DA2018/103 - made the following comments regarding :

- Applicant has essentially submitted the same application
- Believes that there are significant errors in application
- Doesn't meet or comply with DCP - setback - privacy - shadowing
- Open space areas are concreted

**D O'Keefe** - Owner of 251 Lambert Street - Re 261 Lambert Street - DA2018/103 - spoke on the following:

- Impact the Development Application will have on adjoining old trees - referenced DCP as it relates to environmental amenity protection
- Cannot keep chopping down old trees
- Development Application will require trees to be reduced, including 50% and the branches on one side
- Objects to approval of Development Application

**J Kellett** - Ratepayer - spoke regarding the Clinical Services Plan Report and made personal observations:

- What can Council do to ensure services meet the ongoing needs of the fastest growing regional centre? In particular in the area of health infrastructure and specialist services.

- Welcomed the review
- Prompt and proactive action required by Council and Community to participate in review

**G Crisp** - Ratepayer - tabled questions and made the following comments regarding water charges:

- a reliable source informed him that the General Manager claimed that Mr Crisp's objections regarding water charges over the last 13 years have cost \$2.1 million
- Want issue to be taken to court

**B Trimming** - Ratepayer -

- Water restriction - asked will there be a public discussion forum before altering restrictions?
- New roundabout is easier to get across

**B Trimming** - Chairman - Bathurst Regional Access Committee -

- Howick Street footpath now unblocked
- DA2018/52 - Conrod Straight Access Committee confirms that committee unanimously supported compromise as reached.

**D McNab** - Ratepayer - Mitre / Suttor / Lambert Street - asked for current status of roundabout project.

**The Director Engineering Services** advised water service plans received; currently being reviewed; Tenders to be called shortly.

D McNab asked about the other services

**The Director Engineering Services** advised no delays expected.

**I Hancock** - Bathurst Regional Access Committee - compliment staff on timely response to NRMA matter

**K McNab** - Ratepayer - Draft Code of Meeting Practice in regards to Public Forum

- 4.1 - Members will be denied 'free speech'
- 4.5 - time should be increased by one minute, not reduced or at least stay the same
- 4.1.5 - end of 'free speech' and democracy at Bathurst Regional Council

**Dr L Hopes** - Citizen -

- spoke in support of J Kellet
- spoke of the reduced, and ongoing reduction in specialist services in Bathurst

## **APOLOGIES**

**3      APOLOGIES**

Nil

**MINUTES****4      Item 1 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 20 MARCH 2019 (11.00005)**

**MOVED** Cr B Bourke

and **SECONDED** Cr W Aubin

**RESOLVED:** That the Minutes of the Ordinary Meeting of Bathurst Regional Council held on 20 March 2019 be adopted with the following amendment to the Director of Corporate Services Confidential Report Item #7: Tender for Loomla Website technical support and maintenance

amend amount of \$157,357 to \$157,375 (incl. GST).

**5      Item 2 MINUTES - ORDINARY MEETING OF BATHURST REGIONAL COUNCIL - 3 APRIL 2019 (11.00005)**

**MOVED** Cr I North

and **SECONDED** Cr M Morse

**RESOLVED:** That the Minutes of the Ordinary Meeting of Council following Policy held on 3 April 2019 be adopted.

**DECLARATION OF INTEREST****6      DECLARATION OF INTEREST 11.00002**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

**RESOLVED:** That the following Declarations of Interest be noted.

Cr Christian

Item #6 of the Director Corporate Services & Finance's report

Manager, Corporate Governance

Item #5 of the Director Corporate Services & Finance's report

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS****Director Environmental Planning & Building Services' Report**



- 7** Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)  
MOVED Cr J Jennings and SECONDED Cr W Aubin

**RESOLVED:** That the information be noted.

- 8** Item 2 GENERAL REPORT (03.00053)  
MOVED Cr W Aubin and SECONDED Cr J Rudge

**RESOLVED:** That the information be noted.

- 9** Item 3 DEVELOPMENT APPLICATION NO. 2018/303 – DEMOLITION OF EXISTING SHED, DUAL OCCUPANCY (TWO STOREY SECOND DWELLING WITH ATTACHED CARPORT), CARPORT AND TWO LOT RESIDENTIAL SUBDIVISION AT 261 LAMBERT STREET, BATHURST. APPLICANT: MR B MOULDS. OWNER: MODERNIZATION PTY LTD (DA/2018/303)  
MOVED Cr M Morse and SECONDED Cr B Bourke

**RESOLVED:** That Council:

- (a) having undertaken a review of the application pursuant to Section 8.2 of the Environmental Planning and Assessment Act 1979, reaffirm its decision to refuse Development Application 2018/303 for the following reasons:
  - (i) The development will have an adverse impact on the amenity on the adjoining properties in Stewart Street in terms of visual impact, overshadowing and privacy.
- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

- 10** Item 4 DEVELOPMENT APPLICATION NO. 2018/404 – SINGLE STOREY

**DWELLING WITH ATTACHED GARAGE ON LOTS 25 AND 38 DP755798 AT 690 THE BRIDLE TRACK. APPLICANT: GL & SM HILL. OWNER: MRS SM & MR GL HILL (DA/2018/404)**

**MOVED** Cr B Bourke

and **SECONDED** Cr A Christian

**RESOLVED:** That Council:

- (a) support the variation to Clause 4.2B(3) development standard prescribed in the Bathurst Regional Local Environmental Plan 2014;
- (b) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2018/215, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended; and
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**11 Item 5 MODIFICATION TO DEVELOPMENT APPLICATION NO. 2018/52 – TOURIST & VISITOR ACCOMMODATION AT 453 CONROD STRAIGHT, MOUNT PANORAMA. APPLICANT: MRS J BAUMBERGER. OWNER: MRS J BAUMBERGER (DA/2018/52)**

**MOVED** Cr I North

and **SECONDED** Cr J Rudge

**RESOLVED:** That Council:

- (a) as the consent authority, modify the existing consent granted to Development Application 2018/52 pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 by:
  - i. Approving the amended plans;
  - ii. Waiving Conditions 1 and 3; and
- (b) call a division

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**12** **Item 6 BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 AMENDMENT (20.00328)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**RESOLVED:** That Council:

- (a) adopt the Bathurst Regional Development Control Plan amendment as outlined in this report;
- (b) give public notice of Council's decision in accordance with the requirements of the Environmental Planning and Assessment Act;
- (c) advise all property owners of Council's decision; and
- (d) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

**13** **Item 7 NAMING OF PUBLIC ROADS – BOLTON STREET – SUNNYBRIGHT SUBDIVISION OFF LIMEKILNS ROAD AND MARSDEN LANE, KELSO (20.00024)**

**MOVED** Cr M Morse and **SECONDED** Cr G Hanger

That Council:

- (a) give notice of its intention to adopt the name Richard Bolton Street for a new road created by the subdivision of Lot 3, DP 833295 and Lot 5, DP 847225; and
- (b) direct the General Manager to undertake procedures pursuant to the requirements of the Roads Act 1993, to have the name gazetted, should no objections be received.
- (c) enter into discussions with the Geographical Names Board regarding the need to give first names and surnames when naming roads in a city which has generations of families bearing the same name





**RESOLVED:** That the information be noted.

- 22** **Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

**RESOLVED:** That the information be noted and any additional expenditure be voted.

- 23** **Item 4 POWER OF ATTORNEY (11.00007)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

**RESOLVED:** That the information be noted.

- 24** **Item 5 REQUEST FOR FINANCIAL ASSISTANCE - EGLINTON DISTRICT TENNIS CLUB (22.02252)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**Manager Corporate Governance declared a non-pecuniary interest in this item, left the Chamber.**

**Reason:** Life Member of Eglinton Tennis Club

**RESOLVED:** That the interest rate of the loan to the Eglinton District Tennis Club be reset to 4.27% per annum, commencing with the repayment due on 1 April 2019.

- 25** **Item 6 REQUEST FOR FINANCIAL ASSISTANCE - WHITE RIBBON EVENT AT MOUNT PANORAMA (04.00085)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**Cr Christian declared a non-pecuniary interest in this item, left the Chamber and took no part in discussion or voting.**

**Reason:** Current serving NSW Police Officer

**RESOLVED:** That Council waives the costs of approximately \$2,000 associated with traffic management for the closure of Pit Straight, Mount Panorama from

Murray's Corner to Hell Corner, for the White Ribbon Day event on 22 November 2019.

- 26** **Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE (11.00005, 22.07535, 22.07536, 22.16153, 22.03772, 10.00009)**  
**MOVED** Cr J Rudge and **SECONDED** Cr W Aubin

**RESOLVED:** That the information be noted.

### **Director Engineering Services' Report**

- 27** **Item 1 WATER SECURITY (DROUGHT) (13.00031)**  
**MOVED** Cr J Jennings and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

- (a) note the information in the report.
- (b) hold a Councillor Working Party to further discuss water restrictions.

- 28** **Item 2 PROPOSED ROAD OPENING AND PARTIAL CLOSURE AFFECTING LOTS 45, 57 & 58 IN DP753040 - COLO ROAD, COLO (25.00292)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That Council approve the acquisition of land for the purposes of the Roads Act 1993, affecting Lots 45, 57 & 58 in DP753040 and the partial closure of Colo Road, Colo and classify the land as operational, as detailed in the Director Engineering Services' report.

- 29** **Item 3 PROPOSED ROAD WIDENING - LOT 52 IN DP756878 CRUDINE ROAD, CRUDINE (25.00550)**  
**MOVED** Cr W Aubin and **SECONDED** Cr B Bourke

**RESOLVED:** That Council:

1. approve the proposed road widening affecting part of Lot 52 in DP756878 on the Crudine Road at Crudine, and dedicate the road to the public;
2. approve the terms proposed as detailed in the Director Engineering Services' report.





**RESOLVED:** That Council:

- (a) Approve, in principle, Council's participation in the Great Western Walk Implementation Committee and the development of the project as it evolves.
- (b) Nominate the Mayor and General Manager, or their delegate, as Council's representatives on the Great Western Walk Implementation Committee.

**34 Item 2 VILLAGE EVENT FUNDNG PROGRAM PROCESS (16.00163)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Jennings

**RESOLVED:** That Council:

- (a) Endorse the Village Events Funding Program.
- (b) In year one of the Program consult with each Village to develop a Strategic Plan to guide the approach to the relevant village.
- (c) Receive a further report after the audit of Village event proposals and completion of a draft Strategic Plan during 2019 to inform the roll out of the program.

**35 Item 3 BATHURST REGION TOURISM REFERENCE GROUP - MEETING 1 APRIL 2019 (07.00116)**  
**MOVED** Cr J Rudge and **SECONDED** Cr A Christian

**RESOLVED:** That the information be noted.

**36 Item 4 2019 INTERNATIONAL WOMEN'S DAY EVENTS (23.00026)**  
**MOVED** Cr J Rudge and **SECONDED** Cr M Morse

**RESOLVED:** That the information be noted.

**37 Item 5 2019 HARMONY DAY EVENT - SATURDAY 23 MARCH 2019 (09.00032)**  
**MOVED** Cr B Bourke and **SECONDED** Cr W Aubin

**RESOLVED:** That the information be noted.



**MOVED** Cr W Aubin

and **SECONDED** Cr J Rudge

**RESOLVED:** That the recommendations of the Traffic Committee Meeting held on 2 April 2019 be adopted.

## **NOTICES OF MOTION**

**42** **Item 1 NOTICE OF MOTION - CR FRY - WATER INITIATIVES (11.00004, 32.00026, 16.00103)**

**MOVED** Cr J Fry

and **SECONDED** Cr I North

**RESOLVED:** Moved by Cr Fry:

That Council discuss at the next available working party to discuss the declaration of Bathurst Regional Council Local Government Area (LGA) as a 'Water Smart Region'

**43** **Item 1.01 EXTENSION OF TIME (11.00004, 32.00026, 16.00103)**

**MOVED** Cr B Bourke

and **SECONDED** Cr I North

**RESOLVED:** That an extension of time of 1 minute be granted to Cr Fry for this item in accordance with Clause 250 (3) of the Local Government (General) Regulation 2005.

## **COUNCILLORS/ DELEGATES REPORTS**

**44** **Item 1 CENTROC BOARD MEETING 28 FEBRUARY 2019 (DPI-ORANGE) (07.00017)**

**MOVED** Cr B Bourke

and **SECONDED** Cr A Christian

**RESOLVED:** That the report on the CENTROC Board meeting held on 28 February 2019 at DPI-Orange, be noted.

**45** **Item 2 MINUTES - AUSTRALIA DAY WORKING PARTY - 19 FEBRUARY 2019 (23.00033)**

**MOVED** Cr I North

and **SECONDED** Cr A Christian

**RESOLVED:** That the information be noted.

- 46** **Item 3 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 13 MARCH 2019 (11.00019)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Rudge

**RESOLVED:** That the information be noted.

- 47** **Item 4 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 27 MARCH 2019 (11.00019)**  
**MOVED** Cr W Aubin and **SECONDED** Cr A Christian

**RESOLVED:** That the information be noted.

- 48** **Item 5 MINUTES - BATHURST REGIONAL COMMUNITY SAFETY COMMITTEE - 28 MARCH 2019 (07.00107)**  
**MOVED** Cr A Christian and **SECONDED** Cr M Morse

**RESOLVED:** That the information be noted.

**RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**

- 49** **RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

**There were no representations from the public.**

**RESOLVED:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

- (c) Correspondence and reports relevant to the subject business be withheld from access.

**\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	RURAL LICENCE AGREEMENT - LOT 5 DP586023 AND LOT 11 DP717095 AND PART LOT 12 DP717095 KNOWN AS 117 - 131 COLLEGE ROAD, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	SALE OF LAND AT LOT 1004 DP1129907 KNOWN AS 49 HAMPDEN PARK ROAD, KELSO	10A (2) (c) – contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it would prejudice council's position in negotiating commercial and or financial arrangements.
3	MANAGING AGENCY AGREEMENT - LOTS 4, 5, 8 & 9 DP232111 KNOWN AS 98 MOUNTAIN STRAIGHT, MT PANORAMA	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
4	EXPRESSION OF INTEREST - CONVEYANCING SERVICES 2019 - 2022	10A (2) (d) (iii) – contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

**\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR PROPOSED EGLINTON SEWER RISING MAIN	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	12 MONTH EXTENSION - PROVISION OF LABOUR & EQUIPMENT - MOWING MAINTENANCE CONTRACT	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public

	interest as it would prejudice the commercial position of the person who supplied it.
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**Director Corporate Services & Finance's Report**

- a** **Item 1 RURAL LICENCE AGREEMENT - LOT 5 DP586023 AND LOT 11 DP717095 AND PART LOT 12 DP717095 KNOWN AS 117 - 131 COLLEGE ROAD, BATHURST (22.07535,22.07536)**  
**MOVED** Cr B Bourke and **SECONDED** Cr J Fry

**That** Council approves entering into a rural licence agreement for Lot 5 DP586023 and Lot 11 DP717095 and part Lot 12 DP717095, known as 117 - 131 College Road, Bathurst for a period of 10 years with a 10 year option period, as detailed in the report.

- b** **Item 2 SALE OF LAND AT LOT 1004 DP1129907 KNOWN AS 49 HAMPDEN PARK ROAD, KELSO (22.16153)**  
**MOVED** Cr B Bourke and **SECONDED** Cr A Christian

**That** Council approves the sale of Lot 1004 in DP1129907, 49 Hampden Park Road, Kelso as detailed in the report.

- c** **Item 3 MANAGING AGENCY AGREEMENT - LOTS 4, 5, 8 & 9 DP232111 KNOWN AS 98 MOUNTAIN STRAIGHT, MT PANORAMA (22.03772)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Morse

**That** Council delegates authority to the General Manager to enter into a managing agency agreement for Lots 4, 5, 8 & 9 DP232111 known as 98 Mountain Straight, Mt Panorama as detailed in the report.

- d** **Item 4 EXPRESSION OF INTEREST - CONVEYANCING SERVICES 2019 - 2022 (10.00009)**  
**MOVED** Cr W Aubin and **SECONDED** Cr M Morse

**That** Council accepts the Expression of Interest for Conveyancing Services submitted by legal representatives for a period of three (3) years commencing on 17 May 2019 and concluding on 16 May 2022 as detailed in the report.

**Director Engineering Services' Report**

- e** **Item 1 TENDER FOR PROPOSED EGLINTON SEWER RISING MAIN (36.00700)**  
**MOVED** Cr I North and **SECONDED** Cr J Rudge

**That** Council accepts the tender of Thompsons Irrifab, for the construction of the Eglinton Sewer Rising Main in the amount of \$357,433.40 inclusive GST, subject to adjustments and provisional items.

- f** **Item 2 12 MONTH EXTENSION - PROVISION OF LABOUR & EQUIPMENT - MOWING MAINTENANCE CONTRACT (36.00585)**  
**MOVED** Cr I North and **SECONDED** Cr M Morse

**That** Council extend the Glenray Industries mowing maintenance contract in accordance with the Director Engineering Services' report.

**RESOLVE INTO OPEN COUNCIL**

- 50** **RESOLVE INTO OPEN COUNCIL**  
**MOVED** Cr A Christian and **SECONDED** Cr B Bourke

**RESOLVED:** That Council resume Open Council.

**ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**

- 51** **ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED** Cr J Rudge and **SECONDED** Cr B Bourke

**RESOLVED:** That the Report of the Committee of the Whole, Items (a) to (x) be adopted.

**MEETING CLOSE**

- 52** **MEETING CLOSE**

The Meeting closed at 8.25 pm.

**CHAIRMAN:** \_\_\_\_\_

**MINUTES OF THE ORDINARY MEETING OF COUNCIL FOLLOWING POLICY  
COMMITTEE  
HELD ON 1 MAY 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:49 PM**

**Present:** Councillors Hanger (Chair), Aubin, Christian, Fry, Jennings, Morse, North, Rudge.

**APOLOGIES**

**2 APOLOGIES**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That the apology from Cr Bourke be accepted and leave of absence granted.

**DECLARATION OF INTEREST**

**3 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr I North and **SECONDED** Cr J Jennings

**RESOLVED:** That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

**Director Corporate Services & Finance's Report**

**4 Item 1 FREE WATER FOR VERIFIED PRIMARY PRODUCERS (16.00155)**  
**MOVED** Cr J Jennings and **SECONDED** Cr I North

**RESOLVED:** That Council provides free water for verified primary producers until Ben Chifley Dam reaches 40% or lower; the drought declaration for the Bathurst Local Government Area has been removed; or 8 September 2019.



- 5** **Item 2 DRAFT BATHURST DELIVERY PROGRAM 2019-2023 & OPERATIONAL PLAN 2019/2020 (16.00155)**  
**MOVED** Cr W Aubin and **SECONDED** Cr J Rudge

**RESOLVED:** That Council place the Draft Bathurst Delivery Program 2019-2023 and Operational Plan 2019/2020 including the Revenue Policy for 2019/2020, on public exhibition and receive submissions until 4 June 2019.

**MEETING CLOSE**

- 6** **MEETING CLOSE**

The Meeting closed at 6.54 pm.

**CHAIRMAN:** \_\_\_\_\_

## MINUTE

### **6**     **DECLARATION OF INTEREST 11.00002** **MOVED: Cr I North SECONDED: Cr J Rudge**

**RESOLVED:** That the following Declarations of Interest be noted.

Cr Fry

Item #6 of the Director Environmental, Planning & Building Services report

Item #1 of the Director Engineering Services report

## **GENERAL MANAGER'S REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

## **1 ABORIGINAL CULTURAL HERITAGE (20.00311, 23.00010, 09.00031)**

**Recommendation:** That the information be noted.

**Report:** Council at its meeting held on 6 February 2019, requested a report addressing the broad range of issues Council is working through with respect to Aboriginal Cultural Heritage. Council and the community's priority, under the Bathurst 2040 Community Strategic Plan, Strategy 1.1, is to "respect, protect and promote the region's Aboriginal heritage assets".

This report outlines the matters relating to Council's key activities, programs and issues it is facing and addressing with respect to:

1. protection,
2. recognition, and
3. reconciliation.

### **1. PROTECTION**

#### **Cultural/Interpretation Studies**

Council has undertaken a range of studies to investigate the Region's Aboriginal Cultural Heritage.

#### **Bathurst Regional Local Government Area Aboriginal Heritage Study**

In 2015, Council completed the Bathurst Regional Local Government Area Aboriginal Heritage Study. The study was undertaken by AHMS Archaeological and Heritage Management Solutions at a cost of \$51,238.

The aim of the study was to identify objects, places and archaeological sites of Aboriginal Cultural significance, record those places (if appropriate) and develop recommendations for their management and conservation.

The recommendations of the study have assisted Council in being better informed about the likelihood of Aboriginal Cultural Heritage occurring across the LGA for planning and development decisions.

The public release version of the Aboriginal Heritage Study is available at the following link: [https://www.bathurst.nsw.gov.au/images/stories/heritage/Bathurst%20LGA\\_Heritage\\_Study\\_FINAL%20PUBLIC%20RELEASE%20JULY%202017.pdf](https://www.bathurst.nsw.gov.au/images/stories/heritage/Bathurst%20LGA_Heritage_Study_FINAL%20PUBLIC%20RELEASE%20JULY%202017.pdf).

#### **Bathurst Region Aboriginal Heritage Interpretation Strategy**

In 2017, Council engaged Extent Heritage to prepare an Aboriginal Heritage Interpretation Strategy and a public release version of the Aboriginal Heritage Study.

The cost of this work was \$32,340. The Aboriginal Heritage Interpretation Strategy is an extension of the Aboriginal Heritage Study and tells 6 key stories:

- How the Wambool and the Plains of Bathurst were created,
- Wahluu and the Creation of Mount Panorama,
- Windradyne,
- The Potato Paddock Massacre,

- The Bathurst War of 1824, and
- Wiradjuri – Life on the Bathurst Plains.

Finalisation of the Strategy has taken some time in terms of obtaining final comment from the local Aboriginal groups involved in the strategy process. Final consultation on the Strategy is about to commence.

### **Mount Panorama Boardwalk – Interpreting the Wahluu story**

Council called for expressions of interest to prepare an interpretation plan for the Wahluu story as part of the Mount Panorama boardwalk project. The interpretation plan will also include motor racing history stories. Costings for this project have been received. The quotation received was higher than anticipated and Council staff are now investigating how this project can be delivered more cost effectively in-house.

### **Anthropological Investigations**

In 2017, Council engaged Extent Heritage to undertake anthropological investigations to support Aboriginal Cultural Heritage Assessments being undertaken at Mount Panorama. The aim of the anthropological investigations is to document the beliefs of those Aboriginal people identifying as Wiradjuri, particularly with respect to Mount Panorama. The Anthropological Investigations cost \$98,560 with fees to registered Aboriginal Parties (RAPs) of \$12,240.

The total cost to date on the above cultural interpretation studies and the anthropological investigations has been \$182,138 plus \$12,240 RAP fees for the anthropological investigations.

### **Aboriginal Cultural Heritage Assessments**

Council has undertaken a number of Aboriginal Cultural Heritage Assessment Reports (ACHARs) in relation to a number of development projects. These have included:

1. Aboriginal Survey – Kelso Urban Expansion Area (2015) – cost of \$20,812 (including RAP fees).
2. Aboriginal Cultural Heritage Assessment – Campground Mount Panorama – cost \$44,550 with RAP fees of \$16,800.
3. Aboriginal Cultural Heritage Assessment – Go Kart Track – cost \$40,012 with RAP fees of \$1,760.
4. Aboriginal Cultural Heritage Assessment – Second Circuit – stage 1 completed – cost \$58,080 with RAP fees of \$51,600.
5. Aboriginal Cultural Heritage Assessment – second circuit – stage 2 test excavation program and finalisation of the report – estimated at up to \$400,000 with RAP fees of \$66,000 (note that the RAP fees for this project have decreased from those originally estimated as a result of the Wiradjuri Elders groups not wanting to participate in the test excavation program but this has meant that professional archaeologist fees have increased, this is further discussed below).

The total cost spent to date on Aboriginal Cultural Heritage Assessment Reports, including the estimated fees to complete the second circuit ACHAR has been: \$563,454 plus \$136,160 for RAP fees.

Council is also completing a number of due diligence reports in house for projects at Mount Panorama and at other locations across the LGA.

The Mount Panorama Motorcycle Club is also going to need to complete a due diligence assessment for their proposed junior motocross track extension at the Mountain.

In respect to the findings of the ACHARs to date (excluding the second circuit ACHAR which is not yet completed), the investigations have uncovered very few new Aboriginal objects under the National Parks and Wildlife Act. The studies have identified that some Aboriginal objects listed under existing site cards have been determined not to be Aboriginal objects and this issue is discussed later in this report. At this time Council has not needed an Aboriginal Heritage Impact Permit (AHIP) to destroy an Aboriginal object for any current development proposal.

### **Registered Aboriginal Party Fees**

Aboriginal consultation for the preparation of the various ACHARs is undertaken in accordance with the procedures set out in the State Government's guidelines "Aboriginal Cultural Heritage Consultation Requirements for Proponents ". Stage 1 of this process is notification of the project proposal and registration of interest by interested Aboriginal Parties, who then become the Registered Aboriginal Parties (RAPs) for that project. The subsequent consultation includes:

- Stage 2: Presentation of information about the proposed project.
- Stage 3: Gathering information about cultural significance.
- Stage 4: Review of the draft ACHAR.

The Code for the preparation of ACHARs states that the consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in delivering the project. In this regard consultation in itself does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services, through a contractual arrangement, to assist in gathering information about cultural significance (e.g. as part of a field survey or archaeological test excavation), but this is separate from the consultation process. The engagement of RAPs to participate in field work is usual practice to ensure that the knowledge of the RAPs is encompassed in the field assessment process. These contractual arrangements are essentially consulting fees for their time assisting with the fieldwork, and the large portion of the money is typically paid by each RAP directly to the individual fieldworkers for their time working on site.

The Registered Aboriginal Party fees paid to date for the ACHARs and the Anthropological Investigations has been \$148,400 (including the estimate for the second circuit ACHAR).

### **Registered Aboriginal Parties and the Test Excavation Program - Second Circuit ACHAR**

Eight RAPs have registered an interest in the Second Circuit ACHAR. The RAP fees for the initial field survey to identify cultural sensitivity were \$58,080 with all of the local RAPs engaged to participate in the field survey.

The original quote for completion of the second stage of the Second Circuit ACHAR (being the test excavation program) included the engagement of 4 RAPs as part of the test excavation team. The costs associated were estimated at \$120,000. Prior to the commencement of the excavation program the Wiradjuri Elders groups indicated that they did not wish to participate as part of the field excavation team. As a consequence only the Bathurst Aboriginal Lands Council entered into a contract for 2 field officers to assist in the field assessment and the RAP costs were reduced to approximately \$66,000. An overall saving, however, was not made as it was necessary to employ additional archaeologists to make up

the required field excavation team.

Representations were made to Extent Heritage, in relation to the proposed methodology for the test excavation program for the 2nd circuit ACHAR requesting a delay to the test excavation program until the Place Declarations (both State and Federal) had been resolved, on behalf of:

- Dhuuluu-Yala Enterprises
- Wiradjuri Traditional Owners Central West Aboriginal Corporation
- Bathurst Wiradyuri and Aboriginal Community Elders

Similar representations were posted on the Wiradyuri Elders facebook page.

Council staff and Extent Heritage considered the representations made but determined that the timetable for the test excavation program would continue as planned on the basis that:

- Delay to the test excavation program beyond the conclusion of both the Aboriginal Place and the ATSIHPA processes, as requested, would entail many months delay. OEH has indicated to Council that the assessment of the Place Declaration nomination is still in the early stages and is unlikely to be determined this year (see below for more detail).
- It is critical that the archaeological test excavation is undertaken prior to completion of detailed Second Circuit development design work to ensure that any impact on key areas of archaeological sensitivity can be minimised as far as possible. This is considered to be a best practice approach to Aboriginal heritage assessment and impact mitigation – particularly in the context of the current development design planning and State Significance Development (SSD) approval timetable which is very tight for this critical project.
- Alternative approaches that would entail archaeological excavation or monitoring after detailed design work has been completed and/or as a post-approval condition of the SSD presents a very high risk that any potentially important Aboriginal archaeological sites and landforms will not be adequately identified, understood and/or protected, and would present a significant risk to Council of delays, stop work events and associated holding costs during the course of a large construction program in the event that unexpected Aboriginal sites are encountered during works. It also increases the risk of inadvertent damage to unknown or undocumented significant archaeological sites. This form of 'reactive' management is not a best practice approach to Aboriginal heritage assessment and impact mitigation.
- The Second Circuit archaeological test excavations will not be undertaken within the land that is subject to the current Section 9 ATSIHPA emergency declaration application area as provided to Council (discussed further below). Council is currently unaware of the extent of the Section 10 application, however there are no current declarations in place covering the subject land, and in any event, the archaeological test excavation is intended to provide important information about the Aboriginal heritage values of the proposed Second Circuit development area that would assist in informing current and future heritage management planning.

These groups then sought to be observers on site throughout the test excavation program (at no employment cost to Council). Council indicated that observance on site for the duration of the works would not be possible without any formal engagement as this would have meant no public liability or professional indemnity insurances would have been in place to cover their presence on the site. As no contractual engagement would be in place, this would also have meant that they would not be inducted under Extent Heritage's Safe Work Method Statement and HSE management system. Nor would the groups have formally accepted terms of engagement regarding safety and on site conduct to work under the supervision of Extent. These would have presented obvious and unacceptable risks to both

Extent Heritage and to Council.

Council then understood from these groups, by way of clarification, that what they were seeking was an Elders site visit of the second circuit lands during the excavation program.

Council and Extent Heritage then sought to facilitate an escorted site visit/s for all of the Registered Aboriginal Parties that were not participating in the field work, including the Elders and relevant Council officers, at up to two key junctures in the program, where the results of the excavation program could be shown and discussed, and all RAPs would have an opportunity to view any artefacts that had been recovered to date. Works would cease while the visit occurred, and the RAPs would be escorted during the visit, to minimise any WH&S risks. Each RAP attendee at the visits needed to accept these terms prior to agreement to facilitate the site visits.

An invitation to attend a first site visit (half way through the excavation program) was extended to all 8 RAPs on 29 March asking them to indicate their interest to attend the site visit by 4 April. Only the Bathurst Local Aboriginal Lands Council indicated that they wished to attend the site visit. A reminder email was forwarded to all RAPs again inviting them to attend the site visit and to RSVP by 4 April, two apologies were received from members of non local RAPs. Council received an enquiry from one of the local RAPs asking for information about what artefacts had been found to date, Council replied by again extending an invitation to attend the site visit. No further emails were received by Council and so the visit did not proceed as the Bathurst Local Aboriginal Lands Council are already on site as part of the field survey team and so it was deemed unnecessary to hold the site visit just for this group.

An invitation to hold a site visit at the end of the test excavation program (6 May) with all RAPs was made at the end of April prior to the program being completed. Council received only one response from the Bathurst Local Aboriginal Lands Council. So again the site visit did not proceed as the Bathurst Local Aboriginal Lands Council are already on site as part of the field survey team.

### **Aboriginal Heritage Information Management System (AHIMS) – Site Cards**

The Office of Environment and Heritage (OEH) maintains the Aboriginal Heritage Information Management System (AHIMS) which includes:

- information about Aboriginal objects;
- information about Aboriginal Places which have been declared by the Minister for the Environment to have special significance with respect to Aboriginal culture; and
- archaeological reports.

Places and objects on the database are recorded on site cards. There are in excess of 260 places/objects recorded in Bathurst on the AHIMS. The difficulties Council is currently facing with the system include:

- Council is not being notified of new site cards registered on the database. Unless Council checks the system it would remain unaware of a new site card.
- The listing of new contemporary ceremony sites including the 2018 Alignment of Jupiter ceremonial ground at Mount Panorama and the 2015 ceremonial ground at Wambool.
- Recent OEH advice to Council that it will not delist or update a site card based on the findings of the ACHARs completed by Council.
- A site card that relates to “all natural waterways in the Bathurst Regional Council area including creeks that no longer flow, 100 metres either side of waterways, rivers, creeks, billabongs, swamps and lakes”.



Council sought advice from OEH as to the status of the contemporary ceremonial site cards and whether contemporary objects, deposits and the like resulting from contemporary ceremonies are Aboriginal objects for the purposes of the National Parks and Wildlife Act. At this time the two sites known to Council pose issues in relation to camping at Mount Panorama and the maintenance of land along the Macquarie River. Newly listed sites such as these are also very difficult to manage when Council is not made aware of their listing.

OEH has reviewed the two current contemporary site cards and have provided written advice to Council that no Aboriginal objects as defined under the National Parks and Wildlife Act are described in these two site cards. As a result of this advice Council has removed the security fencing around the Alignment of Jupiter site at the top of Mount Panorama and this area will return to its use as public open space and camping during race events.

Council will also no longer maintain the ceremonial ground at the Macquarie River as both the Wiradyuri Elders and the Local Aboriginal Lands Council have indicated to Council that they have no further interest in using this site.

Council advised the person who submitted both of the site cards relating to those contemporary ceremonial grounds of this outcome and notes that they have since indicated that some groups are still using the 2015 ceremonial ground at the Macquarie River, notwithstanding that Council's previous requirements for formal use of the site have not been met (e.g. public liability insurance cover).

OEH have advised that where any new site cards are registered relating to contemporary ceremonies, Council is able to seek clarification from OEH as to whether those sites contain Aboriginal objects as defined under the National Parks and Wildlife Act.

Council also sought further advice from OEH as to the need or otherwise for an Aboriginal Heritage Impact Permit (AHIP) Application in relation to the site cards at the top of Mount Panorama for sites listed on the AHIMS as Aboriginal objects but which the Go Kart ACHAR has identified as not being Aboriginal Objects under the National Parks and Wildlife Act.

OEH has subsequently advised Council that:

- An AHIP is not required if after undertaking due diligence no Aboriginal objects or Aboriginal Places will be harmed within the area of proposed development.
- The information contained within the ACHAR documents for the proposed Go Kart development (including consultation) and the Aboriginal site cards that were referred to OEH show no Aboriginal objects as defined under the NPW Act.

On the basis of the findings of the Go Kart ACHAR, the advice from OEH indicates that an Aboriginal Heritage Impact Permit (AHIP) is not required and the Go Kart development as approved by Council can proceed in relation to Condition 3 of the consent. In terms of updating the site cards at the top of the Mountain, OEH has now advised that this can be achieved by submitting a new site card record using the same GPS coordinates as the older record. The new site card must contain information showing why the former record is not an Aboriginal site. Whilst the old site card is not removed the AHIMS record is updated by means of the new site card. Council is seeking advice from its consultants, Extent Heritage, to submit new site cards for the locations at the top of the Mountain.

In relation to the existing site card over lands within 100m of all creeks and rivers in the LGA, OEH has advised Council that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an AHIP. This does not address the problem of how

such broad based applications can be accepted by OEH, without consultation with the community.

The National Parks and Wildlife Act (NPW) allows for a generic code of practice to explain what due diligence means. Carefully following this code of practice, which is adopted by the *National Parks and Wildlife Regulation 2009* made under the NPW Act, would be regarded as 'due diligence'. This code of practice can be used for all activities across all environments, including any Part 5 Activities undertaken by Council.

Thus Council works in and around waterways will need to ensure due diligence has been completed.

### **Complaints in relation to Council activities having an impact on Aboriginal Cultural Heritage**

Council is aware of the following complaints lodged with the NSW Office of Environment and Heritage in relation to alleged Council activities having an impact on Aboriginal Cultural Heritage.

1. Alleged impact on Aboriginal Cultural Heritage by Council in relation to the Panorama Motorcycle Club – OEH advised Council on 4 October 2018, that no further investigation into the allegation was justified and that the matter had been closed and no further action would be taken.
2. Sulman and Reid Park Camp Sites – Alleged harm to an Aboriginal Scar Tree – OEH advised Council on 20 December 2017, that it would not continue its investigation as there was insufficient evidence to pursue the matter.

### **Complaint in relation to the Blue Stone Cottage at Mount Panorama**

The Wiradjuri Traditional Owners Central West Aboriginal Corporation lodged a complaint with OEH on 4 April 2019 raising concern about the preservation and conservation of the stone cottage and garage at McPhillamy Park, Mount Panorama. The Wiradjuri Traditional Owners Central West Aboriginal Corporation claimed that the lack of care of the cottage by Council blatantly disregards the minimum standards for building maintenance for listed heritage items under the NSW Heritage Act.

OEH advised the Group that the cottage is a listed heritage item under the Environmental Planning and Assessment Act, that is, as an item of local heritage significance under the Bathurst Regional Local Environmental Plan 2014. The EPA Act does not include minimum standards for maintenance and repair of heritage items.

OEH advised the Wiradjuri Traditional Owners Central West Aboriginal Corporation that the property is not listed on the State Heritage Register under the Heritage Act, which does contain minimum maintenance standards in relation to State listed properties. The advice from OEH goes on to suggest that even if it were listed on the State Heritage Register (which is being considered as an alternative to an Aboriginal Place Declaration), it is possible that the building may be defined as ruins and as such the minimum maintenance standards under the Heritage Act would still not apply.

The Wiradyuri Elders previously requested that Council give management control of the blue stone cottage at McPhillamy Park, Mount Panorama to them. Some members of the Aboriginal community are of the belief, and assert, that the stones in the cottage and fences in McPhillamy Park were taken from burbung/bora rings which were present in the area.

The findings of the Go Kart Aboriginal Cultural Heritage Assessment Report (ACHAR)

indicate that there is currently no physical or documentary evidence to indicate that the stones used in the cottage and fence are Aboriginal Objects as defined by the National Parks and Wildlife Act 1974. Council's records indicate that a 1939 costing provided to the State Government for construction of the cottage includes a line item for 'excavation stone'. This suggests, but does not prove, that the stone was likely obtained from a quarried source. Furthermore, Professor Trigger's comments (Anthropological Investigations) that whilst there are beliefs that stones from previously existing Aboriginal stone arrangements were used in the construction of the caretaker's cottage, other information indicates the stones for the building were brought from one or more local quarries.

The ACHAR recommends that the former Caretaker's Cottage in McPhillamy Park should be retained as a listed heritage item under Schedule 5 of the Bathurst Regional Local Environmental Plan 2014. It is noted that the cottage was listed for its European heritage values.

### **Aboriginal Artefacts from Mount Panorama**

The Western Advocate reported in an article with Wiradyuri Elder Dinawan Dyrribang on 7 December 2018, that: "Percy Gresser, in 1928, before they built the road going around there, recorded artefacts on top of that mountain; 2000 of them are in the Australian Museum in Sydney". The article implied that the 2,000 artefacts came from Mount Panorama.

Council sought advice on this matter from the Australian Museum who provided the catalogue of artefacts in their collection. The advice from the Australian Museum was that they do hold 2,000 objects donated by Gresser from the Bathurst region locality. The objects are not specifically associated with Mount Panorama as evidenced in the information on the Museum's database, and in many instances the Museum does not have information regarding their specific source.

## **2. RECOGNITION**

### **Dual Naming of Mount Panorama – Wahluu**

Council commenced discussions about the possible dual naming of Mt Panorama in 2011. The process was led by Council in conjunction with the Bathurst Local Aboriginal Lands Council (refer General Manager's Report #1, Policy Committee, 5 November 2014).

The dual naming process of Mount Panorama - Wahluu recognises the historical and continuing relationship between Aboriginal people and the place and is a major step forward in the recognition and protection of Aboriginal names.

The dual naming does not, however, restrict or impact on the motor sport industry or the Mount's iconic status as a motor racing venue, nor does it change the legal name of Mount Panorama.

### **Aboriginal Place Declaration, under the National Parks and Wildlife Act (State)**

The NSW Office of Environment and Heritage (OEH) has received a nomination for the declaration of Mount Panorama (or parts thereof) as an Aboriginal Place under the National Parks and Wildlife Act.

The declaration of Aboriginal Places is a way of recognising and legally protecting Aboriginal cultural heritage. The Minister for the Environment, under section 84 of the National Parks and Wildlife Act, can declare any publicly or privately owned land in NSW as an Aboriginal

Place.

An Aboriginal Place declaration protects non-tangible cultural values (e.g. ceremonial and spiritual values) as well as areas containing tangible cultural material. Its key aim is to recognise and protect a place of special significance to Aboriginal culture.

Council met with OEH staff in relation to the nomination on 15 March 2019 following a meeting between OEH and the Bathurst Wiradyuri Elders on 14 March 2019.

It is understood, from Council's meeting with OEH, that they still have considerable assessment to complete prior to their consideration of the nomination. In this regard the use of the Mount for motor racing purposes is "business as usual" and it is understood that a determination of the nomination is not expected in 2019. It is also understood that OEH is considering whether a celebratory declaration either as an Aboriginal Place or State Heritage Listing under the NSW Heritage Act is a more appropriate approach than a declaration/listing that would control the use of land and/or warrant additional approval processes.

Council staff have reiterated to OEH:

- the importance of Mt Panorama as an international motor racing circuit and the commitments that have been made by Council and State and Federal governments towards a major second circuit development at the Mountain.
- Council's objection to any Aboriginal place declaration or State Listing under the NSW Heritage Act over any part of Mt Panorama.

Council is yet to receive advice from OEH as to the area proposed for nomination and it is understood that OEH have asked the Wiradyuri Elders to clarify and detail the area proposed for nomination.

Council has requested regular updates on the assessment process and anticipates further discussions with the new State Minister for the Environment in the near future.

### **Heritage Protection Application under Aboriginal and Torres Strait Islander Heritage Protection (ATSIHP) Act 1984, Mount Panorama, Bathurst (Federal)**

#### **Section 9 – Emergency Declaration**

Council received advice from the Federal Department of Environment and Energy on 9 January 2019 that it had received an application to protect the area known as Wahluu (south – west corner) under section 9 (emergency declaration) of the Aboriginal and Torres Strait Islander Heritage Protection (ATSIHP) Act 1984. It is understood that this application was lodged by the Wiradyuri Traditional Owners Central West Aboriginal Corporation as a direct result of Council's resolution to modify the consent for the Go Kart track at the top of Mount Panorama (refer DEPBS Report #1 Extraordinary Council Meeting, 19 December 2018).

Advice from the Department of Environment and Energy indicates that a section 9 declaration can be applied to cases where State legislation does not protect an area, objects or remains. It is understood that an assessment of an areas' Aboriginal significance under section 9 of the Act (emergency declarations) or section 10 (other declarations) may consider both tangible and intangible Aboriginal significance.

Section 9 of the Act (Emergency declarations in relation to areas) allows the Minister to make a declaration if he/she is satisfied that:

- The area is a significant Aboriginal area
- It is under serious and immediate threat of injury or desecration.

Such a declaration has effect for a period as specified in the declaration but not exceeding 30 days. The Minister may extend the declaration for a further period but not beyond the expiration of 60 days in total.

With the consent of the applicant, Council has received a copy of the section 9 application. At the time of writing this report no declaration has been made by the Federal Government.

### **Section 10 – Other Declarations**

The Department of Environment and Energy has also advised Council that it has received a nomination for a section 10 declaration for Mount Panorama. The applicant has advised the Department that they do not want to share the section 10 application with Council. Council is therefore unaware of the land to which this application applies.

A section 10 application is similar to a section 9 application but the Minister can make the declaration for any time period specified. Before doing so the Minister must consider a report from a person nominated by him/her (and any representations attached to that report) that deals with the following matters:

- The particular significance of the area to Aboriginals
- The nature and extent of the threat of injury to, or desecration of the area
- The extent of the area that should be protected
- The prohibitions and restrictions to be made with respect to the area
- The effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than Aboriginal persons
- The duration of the declaration
- The extent to which the area is or may be protected by or under a State law
- Any other matters (if any) as are prescribed.

Council would have the opportunity to comment on such a report if a section 10 application was pursued by the Department.

At the time of writing this report no consultation has been undertaken with Council on this matter or declaration made by the Federal Government.

### **Evans Memorial**

There was some concern expressed in the community as to the appropriateness of the Aboriginal figure in the Evans Memorial. The King's Parade interpretation project, completed in 2017, sought, amongst a broader history of the Park, to explain the presence of the figure in the monument and its importance.

The sculpture incorporates a standing Evans in contemporary dress, sited on an elevation and flanked by a kneeling and naked Aboriginal man, shading his eyes, both gazing off to the horizon. Seated on either side is the figure of Agriculture, personified by a kneeling contemporarily dressed farmer with a wheat sheaf in his right hand, and the figure for Learning, a semi clad female holding a scroll in her right hand. On the opposite sides are lion heads. Evans, Blaxland, Wentworth and Lawson are named, one on each face of the monument.

The prominent presence of an Aboriginal man is a feature rarely found on public memorials of that time. The figure is not present as a guide, but as a Wiradjuri inhabitant of these lands

gazing westward with Evans sharing the view of the land beyond.

### **3. RECONCILIATION**

#### **Council Policy – Protocol for Relationships between the Aboriginal and Torres Strait Islander Communities and Bathurst Regional Council**

The Council Policy “Protocol for Relationships between the Aboriginal and Torres Strait Islander Communities and Bathurst Regional Council” was originally adopted by Council in June 2008 and was most recently reviewed/updated in 2013. The Council policy is available on Council’s website, under Public Documents.

The Aboriginal and Torres Strait Islander protocol refers to appropriate ways of including Aboriginal and Torres Strait Islander cultural material and working with Aboriginal and Torres Strait Islander people and their communities. The policy deals with matters such as:

- What is Aboriginal and Torres Strait Islander Cultural Knowledge?
- What is Aboriginal and Torres Strait Islander Heritage?
- What are some of the characteristics of Aboriginal and Torres Strait Islander Cultural Knowledge?
- Protocol principles of:
  - respect,
  - Aboriginal and Torres Strait Islander control,
  - consultation, communication and consent,
  - interpretation, integrity and authenticity
  - secrecy and confidentiality
  - attribution and acknowledgement
  - continuing cultures
  - sharing of benefits
  - recognition and protection under the law

The protocol makes specific reference to the use of the Aboriginal and Torres Strait Islander flags (both flags are always flown in the Council Chambers and the Aboriginal Flag is flown in front of the Civic Centre building) and how Council might include either an Acknowledgement of Country (official events) or a Welcome to Country (major official events).

The protocol provides that in providing cultural services, artistic performances and ceremonies Aboriginal people are using their intellectual property. As such providers of these services are entitled to remuneration and that payment can be negotiated between the cultural service provider and Council.

#### **Welcome to Country**

Council is now keeping a register of all Acknowledgement/Welcome to Country events undertaken by a member(s) of the Aboriginal community. In 2019, five Welcome to Country’s have been supported by Council, to the date of writing this report, at the:

- Liqui-Moly Bathurst 12 Hour event performed by the Bathurst Local Aboriginal Lands Council.
- International Women’s Day event, performed by the Bathurst Local Aboriginal Lands Council.
- Bathurst Sustainable Living Expo, performed by Gloria Rogers.
- Harmony Day event, performed by Gloria Rogers.

- Panthers NRL Match, including dancers, through Steven Taylor and Tracey Crawford.
- Hi-Tec Oils, Bathurst 6 Hour, performed by the Bathurst Local Aboriginal Lands Council.

### **Involvement and Engagement – Cultural and Community Events**

The table below highlights the involvement and engagement with Aboriginal groups in a range of cultural and community events since 2017.

<b>Section</b>	<b>Date/s</b>	<b>Event</b>	<b>Detail of Involvement / Engagement / Welcome to Country</b>
BMEC	August 2017	Saltbush performances in Annual Season	Aboriginal actors performed, local Aboriginal community attended performances, as did Aboriginal school children and engaged with cast, discounted tickets provided to Aboriginal students from Lithgow
	23 September 2017	Jimmy Little Gathering	BMEC staff members volunteered their time
	26 & 27 September 2017	Gudirr Gudirr performances in Annual Season	Aboriginal performer plus workshop (non-Wiradyuri), general public attending
	September 2017	NAIDOC week	Colleen Jerrard workshops West Bathurst (other schools went there)
	18 September 2017	NAIDOC week	Performance and formalities at BMEC, schools participate and march to BMEC
	November 2017	Inland Sea of Sound	Welcome Performance, local community
	November 2017	Inland Sea of Sound	Excelsior (non-Wiradyuri) performers, workshops held with local and non-Aboriginal participants
	July 2018	Inland Sea of Sound launch	Elder Mallyan spoke and welcomed
	17 September 2018	NAIDOC week	Performance and formalities at BMEC, schools participate and march to BMEC
	November 2018	Artstate	Welcome performance - local and Cowra and Blue Mountain Aboriginal performers
	November 30 December 1, 2018	Inland Sea of Sound	Welcome Performance – local Aboriginal performers
	30 November, 1 December 2018	Inland Sea of Sound (ISOS)	Welcome Performance and workshops, Muggera (non Wiradyuri) performers, workshops held with local and non-Aboriginal participants. Elders, who were consulted about the performance, were provided

			complimentary tickets
	November 2018	The Climbing Tree	Two Aboriginal cast members, Aboriginal community invited to performances, Aboriginal community involved in research over 3 years
	Over past 18 months	Various grant applications	Elders have provided letters of support, eg, The Climbing Tree and various projects still in development
BVIC	30 November 2018	Arranged visiting journalists to meet with Wiradyuri Elders on Wahluu prior to ISOS as a part of broad Bathurst cultural experience	Manager BVIC, Uncle Bill, Uncle Brian, Uncle Jade Flynn, Ian Redpath (Bathurst Tours) met with the group of two journalists (Caroline Gladstone, Fairfax Traveller & Diana Plater, freelance travel writer, regular contributor to Sydney Morning Herald, Canberra Times, Rex, AAP) and one PR agency representative between 9.15-10.45 in lead up to ISOS.
Library	14 February 2018	Opening of refurbished library	Aunty Gloria – Welcome to Country
Museums	26 July 2018	Warren Somerville AM – Honorary Citizen Ceremony @ AFMM	Bill Allen – Welcome to Country
	Approx 12 months ago	Video Classroom History Project	Penny worked with Paul Stafford and Bill Allen to produce a video classroom product looking at Bathurst History. This was available to Primary schools across NSW. We contracted and employed Bill Allen to develop and present this product.
	Approx 18 months ago	Rail Museum – oral history	Interview with aboriginal representatives
Bathurst Regional Art Gallery	9 February 2018	Opening of BRAG's February exhibitions and Richard Perram farewell: <i>Harrie fasher; The Last Charge &amp; Derek Kreckler: Accident &amp; Process.</i>	Welcome to Country: Gloria Rogers for exhibition opening
	22 May 2018	Public Art Policy Consultation	Community consultation – Bathurst Wiradyuri and Aboriginal Community Elders Group & Bathurst Lands Council
	17 July 2018	BRAG Exhibition Program & Artstate Meeting	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to



			discuss programming
	5 September 2018	BRAG Exhibition Program Meeting	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to discuss programming
	12 October 2018 – 9 December 2018	<i>guwiinyguliya yirgabiya ngay yuwin.gu gulbalangidyal ngunhi (they made a solitude and called it peace)</i> exhibition	Jonathan Jones and the Bathurst Wiradyuri and Aboriginal Community Elders Group exhibition
	12 October 2018	Opening of BRAG's October 2018 exhibitions: Jonathan Jones: <i>guwiinyguliya yirgabiya ngay yuwin.gu gulbalangidyal ngunhi (they made a solitude and called it peace)</i> & <i>Looking Forward-Looking Back: Contemporary Art from the East Kimberley</i>	Welcome to Country: Bathurst Wiradyuri and Aboriginal Community Elders Group
	24 October 2018	Council RAP meeting held at BRAG	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to discuss use of Wiradjuri cloak images in BRC RAP document
	2 October 2018	Artstate Event: Wiradjuri language workshop with Jonathon Jones	Jonathan Jones & Wiradjuri and Aboriginal Community Elders Group members
	29 November 2018	BRAG Exhibition Program Meeting	Bathurst Wiradyuri and Aboriginal Community Elders Group – meeting to discuss programming
Community Services	Annually	NAIDOC Community Celebration	Usually September annually – varies dependent when community wishes to hold event.
	2017 – present	Birrang	Aboriginal Disability provider – regular hirer at Kelso Community Hub (KCH).
	September 2017 – December 2017	Orange Aboriginal Medical Service (OAMS)	Regular hirer at KCH
	2017	Disability Inclusion Action Plan consultation	OAMS & Birrang completed survey re DIAP consultation
	3 July 2017	NAIDOC Week flag raising event 2017	Welcome to Country Dancers  Cost to Council for Event – approximately \$1,500
	18 December 2017	Kelso Community Hub Christmas Party	Young Mob involvement Percy Raveneau (ACLO)

		involvement
4 March 2018	All About Women Event	Welcome to Country (Aunty Gloria)
8 March 2018	International Women's Day Event 2018	Welcome to Country by Shirley Scott (arranged by Jean Fell)
17 March 2018	Harmony Day Event 2018	Welcome to Country (Aunty Gloria)
13 April 2018	Seniors Festival 2018	Bingo event held at Kelso Community Hub- (Aunty Gloria organised to do Welcome to Country but did not turn up on day)
May 2018 to present	Reconciliation Action Plan	Multiple communications with Wiradyuri Elders regarding use of Images- no permission given for any use
28 June 2018	Reconciliation Week event for Council staff	Internal event only
9 July 2018	NAIDOC Week flag raising event 2018	Welcome to Country Dancers Cost to Council for Event – approximately \$1,500
July 2018	Sallywags	Indigenous dancer and storyteller attended Sallywags sharing dreamtime stories, music and dance.
18 October 2018, 15 November 2018 & 13 December 2018	Little Sallywags & Sallywags – Yarnin' Circle - Gowrie	Gowrie (Early Childhood Education Provider) Coordinators and Educators attend Gowrie led Yarnin' Circles. A Yarnin' Circle assists staff to understand aboriginal perspectives and to embed practices into educational programs.
November 2018	Request for feedback as part of Community Safety Plan development	Wiradyuri Elders did not provide any feedback Lands Council did not provide any feedback
November 2018	Little Sallywags - Indigenous TAFE student placement	Little Sallywags hosted an Indigenous Certificate III TAFE student for a four week placement
2 November 2018	The Climbing Tree	Kelso kids, (including Aboriginal young persons) attended - complimentary tickets & meal/bus & staff accompanying to BMEC
During School Terms – ongoing.	Kelso Community Hub	Weekly after school activities and school holiday programs Young Mob involvement Percy Raveneau (Aboriginal Community Liaison Officer)- Walk in Wednesday and Breakfast program

	December 2018	Sallywags - Towri MACS	Staff from Sallywags attended Towri Christmas Party & 25 year Anniversary celebration for Aboriginal staff member.
	12 December 2018	Kelso Community Hub Christmas Party	Young Mob involvement Percy Raveneau (ACLO) involvement
	2018 – ongoing relationship	Sallywags - Towri	Towri MACS staff and children visit to Sallywags child care.
	Ongoing	Youth Network Meetings (bi-monthly)	When Aboriginal community members attend the Meetings, a Welcome to Country is completed by them.
Council Events	26 January 2017	Australia Day	Welcome to Country at Citizenship Ceremony
	26 January 2018	Australia Day	Welcome to Country at Citizenship Ceremony – did not attend, no correspondence.
	7 May 2017	Proclamation Day	Welcome by Elder
	7 May 2018	Proclamation Day	Welcome to Country – did not attend
	10 June 2017	Bathurst NRL	Welcome to Country - Cowra Dancers - Welcome by Elder
	3-4 February 2018	Bathurst 12 Hour	Wiradyuri Elders and BLALC representatives invited to attend Mayoral suite. Representatives of BLALC attending. Wiradyuri Elders did not provide feedback.
	6-7 October 2018	Bathurst 1000	Wiradyuri Elders and BLALC representatives invited to attend Mayoral suite. Representatives of BLALC attending. Wiradyuri Elders did not provide feedback.
	4 May 2018	Bathurst NRL	Welcome to Country - Cowra Dancers - Welcome by Elder
	7 – 22 July 2018	Bathurst Winter Festival	Invited to attend Ignite the Night (7 July) – Did not confirm attendance but turned up. Confirmed attendance for Brew & Bite (14 July), but did not attend

### **Reconciliation Action Plan**

Bathurst Regional Council's inaugural Reconciliation Action Plan 2015 – 2017 was officially launched to the community on Monday 6 July 2015 at Council's NAIDOC Flag Raising ceremony.

The Reconciliation Action Plan is a document created to outline the development of Council's recognition and respect for the Aboriginal community. The Reconciliation Action Plan creates, develops and enhances respectful relationships between Aboriginal and Torres Strait Islanders and other Australians with a focus upon three key areas: relationships, respect and opportunities.

The Plan is currently being reviewed. A new updated plan has been prepared and will be finalised in the near future.

The Reconciliation Action Plan was initiated by Council. A summary of the achievements of the 2015-17 plan was reported to Council, DCCS #1, Ordinary Meeting, 15 February 2017. Further details on the program are awaiting finalisation of the new plan.

### **Cultural Awareness Training**

Council has in place Cultural Awareness Training for all staff and Councillors. The training seeks to improve knowledge on understanding the local Aboriginal community, Aboriginal Australia – past and present, and the Council's and the Councillors/staff members individual role in working together.

Council recently implemented an updated course for the Cultural Awareness Training. All Councillors have completed this new course and it is anticipated that at least 85% of EFT staff will have completed the new course by June this year (note that in excess of 80% of EFT staff have completed the old course).

### **NAIDOC Week**

Council holds a morning tea and flag raising event as part of the broader ceremonies held by the Aboriginal community to celebrate NAIDOC week each year. The local Aboriginal community hold other events during the warmer months of the year.

### **Memorandum of Understanding (MOU) and an Indigenous Land Use Agreement (ILUA)**

The issue of developing a MOU was most recently instigated following an approach by the Bathurst Wiradyuri and Aboriginal Community Elders group in 2018.

Following consideration of this matter Council's direction was to proceed with a single MOU with all relevant local Indigenous groups.

The principle purpose of the draft MOU, as prepared by Council, is to enhance the working relationship between all parties particularly with respect to:

1. Revitalising Aboriginal Culture and Heritage
2. Sharing information
3. Identifying and understanding Aboriginal Sites
4. Supporting employment, training and well-being.

The draft MOU constitutes a statement of the mutual intentions of all parties with respect to its content and does not constitute any legally binding obligations.

The draft MOU has been formatted to include actions that all parties will undertake together, actions that Council will be responsible for and actions that the local Indigenous groups will be responsible for.

Council has received representations on behalf of:

- Bathurst Wiradyuri and Aboriginal Community Elders
- Wiradyuri Traditional Owners Central West Aboriginal Corporation
- DHUULUU-YALA Enterprises
- Gunhigal Mayiny Wiradyuri-Dyilang Enterprise

who are opposed to Council's approach for a single MOU. These groups seek an MOU specifically with local Aboriginal Traditional Owners from the Bathurst Wiradjuri area dealing with issues relating to the Traditional Owners.

Council is proceeding with a single MOU as an holistic approach, which then reduces fragmentation of understanding, cooperation and other matters between the parties involved. At the time of writing this report a final MOU had not been sent back out to the various groups as minor amendments are being made to ensure consistency between the MOU and Council's draft Community Participation Plan.

Council was also approached by the Bathurst Wiradyuri and Aboriginal Community Elders group to enter into an Indigenous Land Use Agreement (ILUA). ILUAs are voluntary agreements that:

- must be about native title matters and can be about other matters;
- are binding between a native title group or Registered Native Title Body Corporate(s) and other parties; and
- whilst registered, bind all persons holding native title in the agreement areas.

At this time Council is not pursuing an ILUA given the range of other matters currently being dealt with by Council in relation to Aboriginal Cultural Heritage matters. Further, Council believes the finalising of an MOU is an important initiating step in setting parameters for future dealings between all parties and thus should be the focus of Council's actions.

### **Meeting Rooms**

Council made available the former Raglan Hall (and 6,500 square metres of land) as meeting and training rooms for the Bathurst Wiradyuri and Aboriginal Community Elders at a nominal rent of \$20 per annum plus outgoings. This arrangement was recently revoked as the Groups were not using the facility.

### **Conclusion**

Council and the community's priority, under the Bathurst 2040 Community Strategic Plan, Strategy 1.1 is to "respect, protect and promote the regions Aboriginal heritage assets". As outlined in this report Council is continuing to invest in activities that seek to recognise and protect the cultural heritage of the Bathurst Region generally and Mount Panorama specifically and to also undertake ongoing reconciliatory actions.

The applications/nominations for declaration of Mount Panorama are essentially about recognition and protection of the cultural heritage values of the Mountain. Council recognises that Mount Panorama has cultural significance to the local Aboriginal community in the region and targeted consultation with Aboriginal stakeholders is continuing (e.g. the consultation that is occurring with the development of the second circuit ACHAR). It is important to note that Council led the dual naming process of Mount Panorama Wahluu. Council has not supported a specific declaration of the Mountain or a State Heritage Listing under the NSW Heritage Act on the basis of:

1. The importance of Mount Panorama as an international motor racing circuit.
2. The ongoing commitment Council continues to make to investigate and support the recognition and protection of Aboriginal Cultural Heritage values across the whole of the LGA, as outlined in this report.

**Financial Implications:** The total cost to date on cultural interpretation studies and the anthropological investigations has been: \$182,138 (excluding RAP fees).

- The total cost spent to date on Aboriginal Cultural Heritage Assessments, including the estimated fees to complete the second circuit ACHA has been \$563,454 (excluding RAP fees).
- The Registered Aboriginal Party fees paid to date for the ACHARs and the Anthropological Investigations has been \$148,400 (including the estimate for the second circuit ACHAR).
- The overall total costs to date has been \$893,992 (including the estimate for completion of the second circuit ACHAR).
- The costs associated with the reconciliatory actions under this report have been met within existing Council budgets.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.1, 1.3
- Objective 4: Enabling sustainable growth Strategy 4.6

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 7 Item 1 ABORIGINAL CULTURAL HERITAGE (20.00311, 23.00010, 09.00031)  
MOVED: Cr W Aubin SECONDED: Cr I North

**RESOLVED:** That the information be noted.

Yours faithfully



D J Sherley  
**GENERAL MANAGER**

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'  
REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019



## **1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

**Recommendation:** That the information be noted.

**Report:** Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided below to assist Council in the assessment of Development Applications.

### **4.15 Evaluation (cf previous s 79C)**

#### **(1) Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
  - (v) (Repealed)
- (b) that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

#### **(2) Compliance with non-discretionary development standards—development other than complying development**

If an environmental planning instrument or a regulation contains non-discretionary development standards and development, not being complying development, the subject of a development application complies with those standards, the consent authority:

- (a) is not entitled to take those standards into further consideration in determining the development application, and
- (b) must not refuse the application on the ground that the development does not comply with those standards, and
- (c) must not impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards,

and the discretion of the consent authority under this section and section 4.16 is limited accordingly.

#### **(3) If an environmental planning instrument or a regulation contains**

non-discretionary development standards and development the subject of a development application does not comply with those standards:

- (a) subsection (2) does not apply and the discretion of the consent authority under this section and section 4.16 is not limited as referred to in that subsection, and
- (b) a provision of an environmental planning instrument that allows flexibility in the application of a development standard may be applied to the non-discretionary development standard.

**Note.** The application of non-discretionary development standards to complying development is dealt with in section 4.28 (3) and (4).

(3A) **Development control plans**

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and
- (c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, **standards** include performance criteria.

(4) **Consent where an accreditation is in force**

A consent authority must not refuse to grant consent to development on the ground that any building product or system relating to the development does not comply with a requirement of the *Building Code of Australia* if the building product or system is accredited in respect of that requirement in accordance with the regulations.

- (5) A consent authority and an employee of a consent authority do not incur any liability as a consequence of acting in accordance with subsection (4).

(6) **Definitions**

In this section:

- (a) reference to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application, and
- (b) **non-discretionary development standards** means development standards that are identified in an environmental planning instrument or a regulation as non-discretionary development standards.

**Financial Implications:** Nil

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

**Community Engagement**

- Inform

To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**8 Item 1 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (03.00053)**

**MOVED: Cr I North SECONDED: Cr J Jennings**

**RESOLVED:** That the information be noted.

## **2 GENERAL REPORT (03.00053)**

**Recommendation:** That the information be noted.

**Report:** The following reports are provided for Council's information.

- (a) Applications approved using authority delegated to the Director Environmental Planning & Building Services during April 2019 (**attachment 1**).
- (b) Applications refused during April 2019 (**attachment 2**).
- (c) Applications under assessment as at the date of compilation of this report (**attachment 3**).
- (d) Applications pending determination for greater than 40 days as at the date of compilation of this report (**attachment 4**).
- (e) Applications with variations to development standards under State Environmental Planning Policy No. 1 or Clause 4.6 of Bathurst Regional LEP 2014 approved in April 2019 (**attachment 5**).
- (f) No political disclosure statements have been received in relation to any "planning applications" being considered at this meeting.

**Financial Implications:** Nil.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth Strategy 4.6
- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 9 Item 2 GENERAL REPORT (03.00053)  
MOVED: Cr W Aubin SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

**3 DEVELOPMENT APPLICATION NO. 2019/35 – DEMOLITION OF EXISTING SHED AND GARDEN SHED AND CONSTRUCTION OF A NEW SHED AT 60 COTTONWOOD DRIVE, EGLINTON. APPLICANT: MR J SMOOTHER. OWNER: MR JM SMOOTHER & MS M KNIGHT (DA/2019/35)**

**Recommendation:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2019/35, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and including the following conditions:
- i) The shed is not to be used for commercial or industrial purposes or the storage of goods associated with industrial or commercial undertakings,
  - ii) Provision for landscaping to be provided along the northern and eastern boundaries. The vegetation is to have a mature height of at least three (3) metres. The applicant will be required to submit a landscape plan to demonstrate this is achievable prior to the issue of a Construction Certificate.
  - iii) Restriction on when externally audible equipment can be used consistent with those outlined in the EPA Neighbourhood Noise Guidelines.
  - iv) Restriction that any works must be completed within the building and the doors must be closed when audible equipment is being used;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

**Report:** The Site

Council has received a Development Application (DA) for the demolition of an existing shed and garden shed, and the construction of a new shed at 60 Cottonwood Drive, Eglinton, described as Lot 44, DP 816073.

See location plan and aerial photo at **attachment 1**.

The site currently contains a single storey dwelling with attached carport and patio area, a shed and a garden shed.

The site has an area of 954.4m<sup>2</sup>.

Adjoining properties contain single and two storey dwellings, with associated outbuildings.

**The proposal**

The proposed development includes:

- Demolition of the existing shed and garden shed;
- Construction of a 11m x 14m shed

The proposed shed will be 0.9m from the northern boundary (being the common boundary with 58 Hollyhock Place), 3m from the western boundary (being the boundary to Hollyhock Place), approximately 10m from the eastern boundary (being the common boundary with 62

Cottonwood Drive) and 3.8m from the existing dwelling onsite.

During the assessment process the applicant submitted amended plans to:

- reduced the overall height from 6.17m to 5.1m,
- reduce the wall height from 5m to 4m, and
- include a landscaping buffer to the northern side adjoining 58 Hollyhock Place.

The shed will be constructed of colorbond steel and includes 4 roller doors on the western elevation.

The application does not propose any commercial or industrial purposes. Conditions to this effect will be imposed on the development consent.

No works are proposed to the existing dwelling on the site.

### Planning Context

#### **Bathurst Regional Local Environmental Plan 2014**

The subject site is zoned R1 General Residential under the provisions of the *Bathurst Regional Local Environmental Plan 2014*. While not specifically defined the proposed development is a structure ancillary to the dwelling on the property and is accordingly permissible with consent in the R1 General Residential zone. The proposal is consistent with the objectives of the zone.

#### **Clause 4.3 Height of buildings**

The *Height of Buildings Map* for this locality indicates a maximum overall building height of 9 metres. The proposed shed will have an overall height of 5.1m which therefore complies.

#### **Chapter 2 - Exhibition and Notification of Development Applications**

As the shed exceeds 60 square metres the Development Application was notified to the adjoining property owners from 20 February 2019 to 1 March 2019.

Following the notification period, a total of three (3) submissions were received (see submissions as **attachment 2**) on behalf of an adjoining owner and owners of properties within the surrounding area. No submissions were received from residents of Hollyhock Place.

A discussion Forum was convened by the Director Environmental, Planning and Building Services on 14 March 2019. Minutes of the discussion forum are at **attachment 3**. Key issues raised in the submissions and at the discussion forum are as follows:

- **Noise from activities carried out in the proposed shed**

**Comment:** The current owners have a collection of cars which are housed on the property. The intention is not to permit any commercial or industrial usage of the site (being uses that would be otherwise prohibited on the site). The EPA neighbourhood noise guidelines suggest that the following noise limits are generally acceptable in a residential area.

<b>Noise source – from residential premises</b>	<b>Time restrictions when noise should not be heard in a habitable room in a</b>
---	--



	<b>neighbourhood residence</b>
Power tools and equipment (power garden tools – eg lawn mowers and leaf blowers – electric or pneumatic tools, chainsaws, circular saws, gas or air compressors and swimming pool or spa pumps)	Before 8 am and after 8 pm on Sundays and public holidays Before 7 am and after 8 pm on any other day
Motor vehicles (except when entering or leaving residential premises)	Before 8 am and after 8 pm on Sundays and public holidays Before 7 am and after 8 pm on any other day

- **Devaluing property values**

**Comment:** Property values are not a planning consideration as they are not a matter prescribed by Section 4.16 of the Environmental Planning and Assessment Act 1979.

Following the discussion forum the majority of the issues raised in the submissions were satisfactorily dealt with.

### **Chapter 4 – Residential Development**

Chapter 4 outlines provisions in relation to residential development inclusive of sheds.

Section 4.4.1 of the DCP outlines the general siting considerations for all residential development. The objectives outlined in Section 4.4.1 include:

- To enhance and/or maintain residential streetscape and character and to provide for landscaping in front of buildings.
- To reduce the visual dominance of garages, vehicle access, carports and parking spaces in the streetscape.

The proposal is set back 3 metres from Hollyhock Place and accordingly complies with the numerical standards for the minimum building line for corner lots being a minimum of 2 metres.

The DCP does not contain any specific provisions in relation to the overall height and size for residential sheds. That said it was recognised that the original proposal which proposed a wall height of 5 metres to the eave and an overall height of 6.17 metres was considered to be unacceptable in terms of its overall height and bulk given its location within the streetscape. The applicant has responded to this by reducing the overall height of the walls and apex of the roof to 4.0 metres and 5.1 metres respectively.

The applicant has proposed a limited amount of landscaping to the northern boundary of the shed although given that the building is 900mm off the boundary it is unlikely that it would be able to fully screen the building. Whilst the applicant has not specified the final form of the landscaping it is likely that it will have a limited muting effect as opposed to a full screening effect. In order to be effective the plant selection will need to be undertaken in recognition of the confined space. The final form of these plantings will need to be shown on a landscape plan.

As it stands the proposal, whilst located within the rear yard of the subject property, will be highly visible within the cul de sac of Hollyhock Place. It will be prominent when viewed from the residential premises around the cul de sac head, noting it is ultimately a matter of opinion as to the significance of this prominence. For the purposes of perspective, the shed opposite at 46 Cottonwood is 3.4 metres to the eave and 4.46 metres to the apex of the roof.

## Conclusion

Council has received a Development Application for the demolition of an existing shed and garden shed, and the construction of a 11 metre x 14 metre shed with an overall height of 5.1 metres at 60 Cottonwood Drive, Eglinton. The proposal was notified in accordance with the Bathurst Regional Development Control Plan given the proposed garage is over 60 square metres on land within the R1 zone. The proposal is consistent with the objectives of the zone. Amended plans were submitted in response to issues raised during the assessment process. It is therefore recommended that the Development Application be granted.

**Financial Implications:** Nil.

## **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth Strategy 4.6

## **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

## MINUTE

**10 Item 3 DEVELOPMENT APPLICATION NO. 2019/35 – DEMOLITION OF EXISTING SHED AND GARDEN SHED AND CONSTRUCTION OF A NEW SHED AT 60 COTTONWOOD DRIVE, EGLINTON. APPLICANT: MR J SMOOTHER. OWNER: MR JM SMOOTHER & MS M KNIGHT (DA/2019/35)**

**MOVED: Cr I North SECONDED: Cr J Fry**

**RESOLVED:** That Council:

- (a) as the consent authority, grant consent pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 to Development Application No. 2019/35, subject to conditions able to be imposed pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended, and including the following conditions:
- i) The shed is not to be used for commercial or industrial purposes or the storage of goods associated with industrial or commercial undertakings,
  - ii) Provision for landscaping to be provided along the northern and eastern boundaries. The vegetation is to have a mature height of at least three (3) metres. The applicant will be required to submit a landscape plan to demonstrate this is achievable prior to the issue of a Construction Certificate.
  - iii) Restriction on when externally audible equipment can be used consistent with those outlined in the EPA Neighbourhood Noise Guidelines.
  - iv) Restriction that any works must be completed within the building and the doors must be closed when audible equipment is being used;
- (b) notify those that made submissions of its decision; and
- (c) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

#### **4 LOCAL STRATEGIC PLANNING STATEMENT (20.00335)**

**Recommendation:** That Council note the commencement of the preparation of the Bathurst Region Local Strategic Planning Statement.

**Report:** In March 2018, changes to the Environmental Planning and Assessment Act set out new requirements for Councils to prepare a Local Strategic Planning Statement (LSPS). The changes to the Act sought to refocus the NSW Planning system from its current emphasis on development assessment to a focus on strategic planning. The LSPS legally enshrines Council's strategic planning role.

The aim of the Local Strategic Planning Statement (LSPS) is to set out:

- The 20 year vision for land use in the Bathurst Region.
- The special characteristics which contribute to local identity.
- Shared community values to be maintained and enhanced.
- How growth and change will be managed into the future.

The LSPS shows how Council's vision will give effect to the Central West and Orana Regional Plan and seeks to summarise planning priorities identified through State, Regional and Local strategic planning work. The LSPS will be the key resource to understand how strategic and statutory plans will be implemented at the local level. It will inform the local statutory plans ( the Local Environmental Plan) and development controls and how the Local Environmental Plan (LEP) and Development Control Plan (DCP) will evolve over time.

The LSPS and its 20 year vision for land use will give effect to the Regional Plan and Council's Community Strategic Plan by:

- Identifying community priorities and special characteristics that contribute to local identity
- Using engagement to determine how strategic land use policy goals are physically expressed.
- Describing how goals will be delivered, and how growth and change will be managed, monitored and reported.
- Inform LEP/DCP changes and the new strategic planning work that needs to be undertaken to inform change.
- Assessing future land use, infrastructure and service requirements.

The LSPS actions will then link to Council's Integrated Planning and Reporting Framework to inform the Community Strategic Plan, the Delivery Plan and the Operational Plan.

Council is required to have a LSPS in place by 1 July 2020. Council's planning staff have commenced this project.

The preparation of the Plan will be informed by, and will subsequently inform:

- the Central West and Orana Regional Plan
- Bathurst 2040 Community Strategic Plan
- the adopted land use and planning studies of the Bathurst Region including, for example, the Bathurst Region Urban Strategy, the Bathurst Region Rural Strategy, Bathurst 2036 Housing Strategy, the Bathurst CBD and Bulky Goods Business Development Strategy, and the open space strategy (currently being prepared).
- Other Council adopted plans and strategies including, for example, the Cultural Vision, the Destination Management Plan, and the Economic Development Strategy.

The development of the LSPS will include the following key steps:

- Gap analysis and summary of where we are now (currently underway).
- LEP health check against the priorities of the Central West and Orana Regional Plan (currently underway).
- Engagement with the community in terms of their land use vision for the Region.
- Development of a draft LSPS.
- Public Exhibition of the draft LSPS.
- Adoption of the LSPS by Council.
- Endorsement of the LSPS by Department of Planning.

Opportunities will be identified to consolidate the engagement process for the LSPS with the visioning for the next Community Strategic Plan (due in 2021) and other current projects and plans being prepared by Council.

**Financial Implications:** The LSPS will be prepared in-house by Council staff within existing budgets.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth Strategy 4.1, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 11 Item 4 LOCAL STRATEGIC PLANNING STATEMENT (20.00335)  
MOVED: Cr I North SECONDED: Cr J Rudge

**RESOLVED:** That Council note the commencement of the preparation of the Bathurst Region Local Strategic Planning Statement.

## **5 LAFFING WATERS DEVELOPMENT MASTER PLAN (20.00303)**

**Recommendation:** The Council:

- (a) adopt the Laffing Waters Master Plan and place it on public exhibition for 28 days to provide feedback to be considered in the preparation of the subsequent Planning Proposal;
- (b) prepare a Planning Proposal following the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (d) commence an amendment to the Bathurst Regional Open Space Developer Contributions Plan as outlined in this report;
- (e) investigate amendments to Developer Contributions Plans for other types of infrastructure such as roads;
- (f) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (g) accept any delegations from the Department of Planning and Environment relating to this Planning Proposal;
- (h) place the draft Local Environmental Plan, Development Control Plan and Developer Contributions Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (i) call a division.

**Report:** Council engaged Tract Consultants Pty Ltd, to prepare a Master Plan for the Laffing Waters residential development precinct and associated neighbourhood centre. Laffing Waters is a crucial urban release and growth area for the City of Bathurst. The Master Plan included the current urban zoned land (R1 General Residential, RE1 Public Recreation and B1 Neighbourhood Centre) and did not consider a wider rezoning of additional rural land for urban purposes.

The subject area is approximately 360 hectares and is an identified urban release area. The land includes a Council development site off Laffing Waters Lane and other privately owned land. Council's current planning is for a mix of residential, commercial and community uses (including a school) incorporated into the precinct. A locality plan is provided at **attachment 1**.

The Bathurst 2036 Housing Strategy guides the future housing growth of Bathurst. During the visioning process for the housing strategy, the community expressed their support for planned growth and higher living densities near neighbourhood centres while retaining the existing neighbourhood amenity and feel.

The Housing Strategy also identified the need to use the available residential vacant land stocks better to reduce the urban sprawl of a growing city through the integration of several methods, from smaller lot sizes and medium density housing to requiring a minimum density

per hectare of land at the time of subdivision.

The Laffing Waters Development Master Plan will assist Council to be a leader in the future development of land and showcase the opportunities available to other landowners for the development of their property with high quality residential and neighbourhood business development.

A copy of the draft Master Plan is provided at **attachment 2**.

The list below outlines the main features of the Master Plan.

1. Anticipated Lot Density

The Master Plan has identified a mix of lot sizes, with smaller lots generally located in the area close to the Neighbourhood Activity Centre (NAC) with larger lots in the outer band. Average lot sizes range from 450sqm (12 dwellings per hectare) to 940sqm (8 lots per hectare), with the smaller lots located closer to the NAC. An amendment to the Bathurst Regional Local Environmental Plan and Development Control Plan is required to deliver the range of housing envisaged. The Master Plan anticipates a shift away from the current practice of uncontrolled dual occupancy developments. Council will also prepare Design Guides to encourage best practice development of smaller lots.

2. Neighbourhood Activity Centre (NAC)

A site of 5 hectares is allocated for the NAC and associated uses. The NAC has been designed with the capacity for a 3500sqm supermarket with other speciality shops co-located. In addition to the supermarket and speciality shops, the NAC has the ability for additional community facilities to be co-located. The location and future development of the site is supported by the Bathurst CBD & Bulky Goods Business Development Strategy (2011). An amendment to the Bathurst Regional Local Environmental Plan and Development Control Plan is required to appropriately locate the B1 Neighbourhood Centre zone.

3. School

Council is committed to reserving a site for a future school, although the Department of Education has advised that further school sites are not required. A 3ha site has been identified and reserved adjacent to the NAC. The consultants have suggested the co-location of a school, recreation areas and the NAC as being the best use of the site and reflect the current practices of master planned communities. An amendment to the Bathurst Regional Local Environmental Plan and Development Control Plan is required to appropriately locate and zone the school site.

4. Recreation

A 9ha district open space site has been identified and located adjacent to the school site. Nine hectares is considered to be an appropriate size given the expected population of the Laffing Waters precinct and is similar in size to Cubis Park at Eglinton.

It is also important to note that other local open space areas identified in Council's current planning instruments have been redistributed to reflect an optimum subdivision pattern. An amendment to the Local Environmental Plan and Development Control Plan will be required to reflect the redistribution of the open space and designate the



district open space.

5. Realignment of Laffing Waters Lane

The Master Plan has identified the realignment of Laffing Waters Lane to improve access to the NAC and provide benefits to the open space network.

6. Drainage

The engineering calculations have identified a need for additional stormwater detention within the subdivision. The stormwater design has identified open swales in the upper catchment, as well as a number of detention basins in critical locations.

Public exhibition of the Laffing Waters Master Plan

It is proposed that Council adopt the Laffing Waters Master Plan and place it on public exhibition as it relates to Council land. The exhibition period will allow the local community to comment on the Master Plan to better inform the preparation of amendments to the planning instruments (LEP and DCP and Developer Contributions Plan). The amendments to the Local Environmental Plan, Development Control Plan and contributions plans will then be further exhibited.

Amendments to the Bathurst Regional Planning Instruments

1. *Bathurst Regional LEP 2014*

Changes to the Bathurst Regional LEP are required for both Council's land and the privately owned land to give effect to the Laffing Waters Master Plan. There are several alterations needed including:

- a) Relocation, reconfiguration and enlargement of the Laffing Waters Neighbourhood Activity Centre B1 zone
- b) Introduction of the R3 Medium Density zone, including appropriate changes to the height of buildings, lot size and land zoning maps.
- c) Reconfiguration of the RE1 Public Recreation zone reflecting the Laffing Waters Master Plan
- d) Appropriate use of the SP2 Infrastructure zone for:
  - i. The proposed school site
  - ii. Drainage lines
  - iii. Proposed realignment of Laffing Waters Lane
  - iv. The proposed alignment of Ecrates Place
- e) Amendments to the Minimum lot size Dual Occupancy and Multi-Dwelling housing, the height of buildings and land zoning maps as it applies to the R1 General Residential zone.
- f) Minor, inconsequential amendments to other maps.
- g) Introduce controls to manage the implementation of the State Government's Low Rise Medium Density Housing code.

2. *Bathurst Regional Development Control Plan 2014*

Changes to the Bathurst Regional DCP are required. It is proposed to amend the DCP by:

- a) Amending Map No 4 – Kelso, and introducing a new DCP map to reflect the zoning changes as a result of the draft Laffing Waters Master Plan.

- b) Prepare relevant development controls and other maps to guide the development of residential, commercial and community land.

3. *Bathurst Regional Open Space Developer Contributions Plan*

An amendment to the Open Space Developer Contributions Plan is required to reflect the amount of open space required as a result of the Master Plan. Council has also received a revised valuation for the purchase of open space in all areas of Bathurst under this Plan. The Plan will also be amended to reflect the revised value attributed to the open space to all open space areas in Bathurst.

4. *Roadworks- New Residential Subdivisions Developer Contributions Plan*

An amendment to the Roadwork – New Residential Subdivision Developer Contributions Plan is required to reflect the proposed road network identified in the Master Plan.

Public exhibition of the Planning Instrument Amendments

The proposed amendments to the Planning Instruments will require public exhibition and this will not occur until Council has received authorisation from the NSW Department of Planning and Environment.

Conclusion

Council engaged the services of Tract Consultants Pty Ltd to develop a Master Plan for the Laffing Waters growth precinct. To fully implement the outcomes of the Master Plan, amendments to several planning instruments are required. Adoption of the Master Plan is recommended, followed by its exhibition to inform the preparation of a Planning Proposal to implement the Master Plan.

**Financial Implications:** The preparation of the Master Plan was funded in the 2018/19 Management Plan.

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.4, 1.5
- Objective 3: Environmental stewardship Strategy 3.3
- Objective 4: Enabling sustainable growth Strategy 4.2, 4.6
- Objective 6: Community leadership and collaboration Strategy 6.1

**Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

## MINUTE

### 12 Item 5 LAFFING WATERS DEVELOPMENT MASTER PLAN (20.00303) MOVED: Cr M Morse SECONDED: Cr B Bourke

**RESOLVED:** That Council:

- (a) adopt the Laffing Waters Master Plan and place it on public exhibition for 28 days to provide feedback to be considered in the preparation of the subsequent Planning Proposal;
- (b) prepare a Planning Proposal following the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional Local Environmental Plan 2014 as outlined in this report;
- (c) commence an amendment to the Bathurst Regional Development Control Plan 2014 as outlined in this report;
- (d) commence an amendment to the Bathurst Regional Open Space Developer Contributions Plan as outlined in this report;
- (e) investigate amendments to Developer Contributions Plans for other types of infrastructure such as roads;
- (f) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (g) accept any delegations from the Department of Planning and Environment relating to this Planning Proposal;
- (h) place the draft Local Environmental Plan, Development Control Plan and Developer Contributions Plan Amendments on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (i) call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

**The result of the division was:**

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr I North, Cr J Rudge,

Against the motion - Nil

Absent - Nil

Abstain - Nil

## **6 ALEC LAMBERTON MASTER PLAN COMMUNITY CONSULTATION (20.00330)**

**Recommendation:** That Council:

- (a) adopt the Alec Lamberton Field Master Plan Community Consultation report; and
- (b) note that the preparation of a landscape plan will now be commissioned.

**Report:** Council allocated money within the 2018/19 budget to prepare a master plan for the Alec Lamberton field. As part of the first stage, Council engaged the services of Western Research Institute (WRI) to consult with the local community for the Alec Lamberton Field. WRI was tasked to undertake a community consultation process and produce a report that synthesises the preferred vision and future use of the Alec Lamberton field.

As part of the project, WRI were given the submissions that Council had previously received about the site, particularly in relation to earlier proposals for a Go-Kart track and a proposal for an industrial rezoning and reclassification. An extract of the draft Bathurst 2040 Open Space Strategy was also used to inform the discussion. Preliminary comments relating to Alec Lamberton Park, from the draft Open Space Strategy, are:

*“...that its desirable roles are for sport, informal and active recreation, natural vegetation enhancements, as well as a "gateway" to Kelso/Bathurst from Oberon and beyond. We suggest:*

- 1) *Focusing on the provision of a multi-user rectangular sports field, a half size junior field for club and community use*
- 2) *Upgrading the clubhouse and amenities building to allow for sporting use and program/ meeting space for sports groups or other users*
- 3) *Adding additional active recreation elements such as an outdoor fitness space/ gym*
- 4) *Incorporate informal recreation elements with some shaded seats and tables, and provision of water*
- 5) *Consider opportunities for enhancing natural vegetation and landscape corridor linkage to the vegetated corridor to the east*
- 6) *Include cycle/ active transport links to the Great Western Highway.”*

As part of the community consultation report, WRI undertook the following consultation activities:

- Four focus groups with key community stakeholders – 37 attendees.
- Soccer club representatives were interviewed as they could not attend the focus groups.
- An online survey of the community – 27 responses.
- Interview with the Chifley Local Area Command.

Some of the key findings of the consultation included common themes of parkland, general exercise (walking, cycling, exercising), or general recreation. The community's vision for Alec Lamberton field was *'A green space needs to be retained, in a flexible way, in case the growth of the city means it could be used again for sports fields'*. There was little support for the use of the site for a commercial recreation business, such as indoor rock climbing, roller derby or similar, even though the current zoning of the land (RE1 Public Recreation) permits these uses with consent.

A copy of the consultation report has been provided as **attachment 1**.

The WRI consultation report has identified the community's vision for the future use of Alec Lamberton Field. It is appropriate that Council now adopt the consultation report. A landscape plan and design is then required to implement the community's vision.

Funds were allocated in the 2018/19 management plan to cover both the consultation and the landscape plan. It is expected that the landscape plan will be commissioned in the immediate future.

**Financial Implications:** Funds have been provided in the 2018/9 Management Plan for Alec Lamberton Field planning.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.4
- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.1

### **Community Engagement**

- Consult To obtain public feedback on alternatives and/or decisions

## MINUTE

### **13 Item 6 ALEC LAMBERTON MASTER PLAN COMMUNITY CONSULTATION (20.00330)**

**MOVED: Cr B Bourke SECONDED: Cr J Rudge**

**Cr Fry declared a non pecuniary interest in this item and remained in the chamber.**

**Reason: Son is Treasurer of Bathurst 'Goats' soccer team**

That Council:

- (a) adopt the Alec Lamberton Field Master Plan Community Consultation report; and
- (b) note that the preparation of a landscape plan will now be commissioned.

**7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005 & 22.00052)**

**Recommendation:** That the information be noted.

**Report: 1. REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN  
LANDS) OVER FORMER BATHURST GASWORKS SITE**

This report relates to consideration of Council's options in relation to the future ownership of the Former Gasworks site.

**Financial Implications:** There are no financial implications resulting from this report.

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**14 Item 7 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005 & 22.00052)**

**MOVED: Cr W Aubin SECONDED: Cr I North**

**RESOLVED:** That the information be noted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', followed by a period.

N Southorn  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**



**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

## **1 STATEMENT OF INVESTMENTS (16.00001)**

**Recommendation:** That the information be noted.

**Report:** \$71,280,000 was invested at 30 April 2019 in accordance with Council's investment policies, the Minister's Investment Order dated 12 January 2011, the Local Government Act 1993 and associated regulations. All investments have been reconciled with Council's general ledger and are listed below:

	<b><u>Rating</u></b>	<b><u>Balance</u></b>	<b><u>Average Return</u></b>
<b><u>Short Term 1 – 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Certificates of Deposits):</b>			
National Australia Bank Limited	A1+	\$13,500,000.00	2.71%
Bankwest	A1+	\$4,500,000.00	2.76%
CBA	A1+	\$4,500,000.00	2.71%
Westpac	A1+	\$1,500,000.00	2.81%
Bank of Queensland Limited	A2	\$3,000,000.00	2.68%
Bendigo & Adelaide	A2	\$1,500,000.00	2.77%
IMB	A2	\$1,500,000.00	2.68%
Auswide Bank	A2	\$1,500,000.00	2.73%
Maritime, Mining & Power Credit Union Ltd	ADI	<u>\$4,500,000.00</u>	<u>2.70%</u>
		<b>\$36,000,000.00</b>	<b>2.72%</b>
<b><u>Long Term &gt; 365 Days</u></b> <b>(comprising Commercial Bills, Term Deposits, Debentures and Bonds):</b>			
<b><u>Floating Rate Term Deposits</u></b>			
CBA Deposit Plus	AA-	\$1,500,000.00	2.66%
CBA Deposit Plus 1	AA-	\$1,500,000.00	2.83%
CBA Deposit Plus 2	AA-	\$1,500,000.00	3.07%
Westpac Coupon Select	AA-	\$2,000,000.00	3.01%
Westpac Coupon Select 1	AA-	\$3,000,000.00	3.13%
Westpac Coupon Select 2	AA-	\$1,500,000.00	2.95%
Westpac Coupon Select 3	AA-	\$1,500,000.00	2.75%
Maritime Mining & Power Credit Union Ltd	ADI	<u>\$1,630,000.00</u>	<u>1.70%</u>
		<b>\$14,130,000.00</b>	<b>2.80%</b>
<b><u>Fixed, Negotiable &amp; Tradeable Certificates of Deposits</u></b>			
AMP Fixed Rate	A-	\$1,000,000.00	2.99%
Greater Bank Ltd	BBB	\$1,000,000.00	3.27%
Greater Bank Ltd	BBB	<u>\$2,000,000.00</u>	<u>3.42%</u>
		<b>\$4,000,000.00</b>	<b>3.27%</b>
<b><u>Floating Rate Notes</u></b>			
Commonwealth Bank of Aust.	AA-	\$1,000,000.00	2.58%
CBA Climate Bond	AA-	\$1,000,000.00	2.69%
Commonwealth Bank of Australia 2	AA-	\$500,000.00	2.88%

Suncorp Metway	A+	\$1,000,000.00	2.94%
Rabobank	A+	\$1,000,000.00	3.38%
AMP	A-	\$1,000,000.00	2.82%
AMP	A-	\$800,000.00	2.96%
AMP	A-	\$1,000,000.00	3.24%
AMP	A-	\$1,100,000.00	2.94%
Macquarie Bank	A	\$1,000,000.00	2.98%
Bank of Queensland 1	BBB+	\$2,000,000.00	2.91%
Bank of Queensland 2	BBB+	\$1,000,000.00	3.04%
Bendigo & Adelaide Bank 2	BBB+	\$1,000,000.00	2.77%
Bendigo & Adelaide Bank 3	BBB+	\$1,000,000.00	3.05%
Members Equity 3	BBB	\$750,000.00	3.24%
Newcastle Permanent	BBB	\$1,000,000.00	3.07%
Newcastle Permanent 3	BBB	<u>\$1,000,000.00</u>	<u>3.33%</u>
		<b>\$17,150,000.00</b>	<b>2.98%</b>

**Total Investments** **\$71,280,000.00** **2.83%**

***These funds were held as follows:***

Reserves Total (includes unexpended loan funds)	\$19,030,157.00
Grants held for specific purposes	\$11,072,220.00
Section 7.11 Funds held for specific purposes	\$40,713,723.00
Unrestricted Investments	\$ 463,900.00

**Total Investments** **\$71,280,000.00**

**Total Interest Revenue to 30 April 2019** **\$1,979,541.69** **2.83%**

**A Jones**  
Responsible Accounting Officer

**Financial Implications:** **Attachment 1** shows Council's year to date performance against the benchmarks contained in Council's Investment Policy. Council has outperformed each of the benchmarks required and complied with the Ministers Investment Order.

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 15 Item 1 STATEMENT OF INVESTMENTS (16.00001)  
MOVED: Cr W Aubin SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

## **2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)**

**Recommendation:** That the information be noted.

**Report:** Bathurst Regional Council has in place the Bathurst 2040 Community Strategic Plan which aims to inform the community about the major directions and programs Council is undertaking in shaping the future of the Bathurst Region. These directions are summarised as objectives and strategies in the Community Strategic Plan which was adopted by Council on 16 May 2018. The Plan is available for viewing at the council offices at 158 Russell Street or can be downloaded from the Public Documents section of Council's website, [www.bathurst.nsw.gov.au/council/general-information/public-documents](http://www.bathurst.nsw.gov.au/council/general-information/public-documents). A listing of the Objectives and Strategies from the Bathurst 2040 Community Strategic Plan can be found within the Plan commencing from page 22.

At **attachment 1** is an update of Council's progress towards achieving the Strategies and Objectives for the 2018-2022 Delivery Plan and the Annual Operational Plan 2018-2019.

The Local Government (General) Regulation 2005 has been amended by inserting clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Maritime Services or the Environment Protection Authority, or where a court or tribunal makes a costs order against a council.

Fines or penalty notices this month - Refer to attachment 1.

**Financial Implications:** Nil.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**16 Item 2 MONTHLY REVIEW - 2018/2022 DELIVERY PLAN AND OPERATIONAL PLAN 2018-2019 (16.00155)**

**MOVED: Cr B Bourke SECONDED: Cr A Christian**

**RESOLVED:** That the information be noted.

### **3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**

**Recommendation:** That the information be noted and any additional expenditure be voted.

**Report:** At **attachment 1** is a list of Sundry Section 356 Donations, Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies granted by Council for the period ending 30 April 2019, including a report on annual Rental Subsidies granted by Council.

**Financial Implications:** Council's Sundry Section 356 Donations and Bathurst Memorial Entertainment Centre Community Use Subsidies and Mount Panorama Fee Subsidies are included in the current budget, which currently have a balance as follows:

Section 356:	\$ Nil
BMEC Community use:	\$7,592.72
Mount Panorama:	\$ Nil

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 5: Community health, safety and well being Strategy 5.3
- Objective 6: Community leadership and collaboration Strategy 6.5

#### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**17 Item 3 SUNDRY SECTION 356 DONATIONS, BATHURST MEMORIAL ENTERTAINMENT CENTRE COMMUNITY USE SUBSIDY AND MOUNT PANORAMA FEE SUBSIDY (18.00004)**

**MOVED: Cr M Morse SECONDED: Cr J Rudge**

**RESOLVED:** That the information be noted and any additional expenditure be voted.



#### **4 POWER OF ATTORNEY (11.00007)**

**Recommendation:** That the information be noted.

**Report:** That the General Manager's action in affixing the Power of Attorney to the following be noted.

- Nil

#### **Linen Plan Release**

- Mr D & Mrs N Druitt - 4 Lot large residential subdivision - Stage 1: 2 lots released - Lot 221, DP 124805 - 426 Mount Rankin Road, Mount Rankin
- Bathurst Regional Council - 153 Lot residential subdivision - Stage 1: 98 residential lots and 1 residual - Lot 3, DP 833295 & Lot 5, DP 847225 - 197 Limekilns Road & Marsden Lane, Kelso
- Gico Pty Ltd - 106 Lot residential subdivision - Stage 8: 12 residential lots & 1 residual lot - Lot 709, DP 1250242 - Wheatfield Drive, Kelso
- Gico Pty Ltd - 106 Lot residential subdivision - Stage 9: 9 residential lots and 1 residual lot - Lot 813, Proposed Lot 1252639A - Wheatfield Drive, Kelso
- Gico Pty Ltd - 106 Lot residential subdivision - Stage 10: 8 lot residential - Lot 909, Proposed Lot 1252640 -Wheatfield Drive, Kelso

**Financial Implications:** Nil.

#### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

#### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 18 Item 4 POWER OF ATTORNEY (11.00007)  
MOVED: Cr W Aubin SECONDED: Cr J Fry

**RESOLVED:** That the information be noted.

## **5 CODE OF CONDUCT (11.00024, 41.00089)**

**Recommendation:** That Council;

1. Adopt the Code of Conduct
2. Adopt the Procedures for the Administration of the Code of Conduct
3. Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Code of Conduct - as an addendum to the new Procedures for the Administration of the Code of Conduct.

**Report:** The Local Government Act (1993) at Sec 440 requires that councils must adopt a Code of Conduct. This Code is to include any model provisions established by way of the Local Government Act and associated regulations.

The Code is applicable to Councillors, Administrators, members of staff and delegates of Council and assists in the good governance of Council.

Further, the Regulations may also prescribe a model procedure for administering the model code referred to above, as per Sec 440AA of the Local Government Act. Circular 18-44 from the Office of Local Government advised that a new Model Code of Conduct for Local Councils in NSW and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW have been prescribed under the Local Government Act 1993. Councils must adopt the new Code and Procedures by 14 June 2019.

Council has in place the following policies with respect to the Code of Conduct;

- Code of Conduct
- Code of Conduct Procedures for the Administration of the Model Code

Council also added some additional criteria to the Procedures for Administration of the Code of Conduct at Addendum A (refer **attachment 1**). These criteria were established to provide clarification and assistance when dealing with the Code of Conduct Procedures.

These will be removed from the Policy Manual and replaced by the new Code of Conduct (refer **attachment 2**) and Procedures for the Administration of the Code of Conduct (refer **attachment 3**).

It is recommended that Council;

1. Adopt the Code of Conduct
2. Adopt the Procedures for the Administration of the Code of Conduct
3. Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Model Code - as an addendum to the new Procedures for the Administration of the Code of Conduct.

**Financial Implications:** There are no financial implications resulting from this report.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 19 Item 5 CODE OF CONDUCT (11.00024, 41.00089)  
MOVED: Cr I North SECONDED: Cr W Aubin

**RESOLVED:** That Council;

1. Adopt the Code of Conduct
2. Adopt the Procedures for the Administration of the Code of Conduct
3. Adopt the additional Council Criteria contained in Addendum A of the previous Council adopted version of the Procedures for the Administration of the Code of Conduct - as an addendum to the new Procedures for the Administration of the Code of Conduct.

**6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 33,00830, 18.00004)**

**Recommendation:** That the information be noted.

**Report:** **REQUEST FOR FINANCIAL ASSISTANCE (25.0007, 33.00830, 18.00004)**

This report relates to a request for financial assistance due to loss of trade .

**Financial Implications:** There are no financial implications resulting from this report.

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**20 Item 6 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 33.00830, 18.00004)**

**MOVED: Cr I North SECONDED: Cr J Rudge**

**RESOLVED:** That the information be noted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jones', written over a large, hand-drawn oval shape.

A Jones  
**DIRECTOR**  
**CORPORATE SERVICES & FINANCE**

## **DIRECTOR ENGINEERING SERVICES' REPORT AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019



## **1 TALS INSTITUTE FUNDING APPLICATION - LETTER OF SUPPORT (13.00031)**

**Recommendation:** For Council's consideration.

**Report:** Councillor Fry has requested a letter of support from Council with regard to a funding application to be made to the Federal Government by the The Australian Landscape Science (TALS) Institute.

The main objectives of the program are water saving, soil rehydration, improvements to biodiversity and farm productivity increases. The two particular projects as identified for Bathurst include restoration of Chifley Dam catchment and improvements to the Bathurst brick pits, located adjacent to Raglan Creek. Please refer to **attachment 1** for details of the proposal.

The original proposal included effluent reuse from the Bathurst Waste Water Treatment Plant to provide a consistent water source for the brick pit proposal. Due to previous consideration by Council of effluent reuse, this has been removed from the proposal.

Council staff do not have significant concerns with the proposal, on the basis that development consent is obtained if required; all necessary approvals from either State or Federal Government agencies are obtained prior to any work commencing, and that Council does not administer the program.

**Financial Implications:** Nil cost to Council.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 3: Environmental stewardship Strategy 3.2, 3.3

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

21 Item 1 TALS INSTITUTE FUNDING APPLICATION - LETTER OF SUPPORT  
(13.00031)

MOVED: Cr B Bourke SECONDED: Cr J Jennings

Cr Fry declared a non-pecuniary interest in this item, left the Chamber and took no part in discussion or voting.

**Reason: (significant) - Volunteer Director of TALS**

That Council provide a letter of support for the funding application made to the Federal Government by TALS

**2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE  
(11.00005, 36.00703, 36.00704, 36.00698)**

**Recommendation:** That the information be noted.

**Report:** The following items have been included in the confidential section of the business paper for Council's consideration:

**1 TENDER FOR DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK (36.00703)**

This report considers the proposed tender for the Design and Construction of BMX Clubhouse and Amenities Building at the Bathurst Bicycle Park.

**2 TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY AND ELEVATED BOARDWALK AT MOUNT PANORAMA, BATHURST (36.00704)**

This report considers the proposed tender for the Construction of Pedestrian Walkway and Elevated Boardwalk at Mount Panorama, Bathurst.

**3 VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT BATHURST AERODROME (36.00698)**

This report considers the proposed variation to contract for Construction of Sewer at Bathurst Aerodrome.

**Financial Implications:** There are no financial implications resulting from this report.

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**22 Item 2 ITEMS INCLUDED IN CONFIDENTIAL COMMITTEE OF THE WHOLE**  
**(11.00005, 36.00703, 36.00704, 36.00698)**

**MOVED: Cr I North SECONDED: Cr J Jennings**

**RESOLVED:** That the information be noted.

Yours faithfully

A handwritten signature in black ink that reads "Darren J. Sturgiss." The signature is written in a cursive, flowing style.

Darren Sturgiss  
**DIRECTOR**  
**ENGINEERING SERVICES**

**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT AND  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

## **1 VISIT OF SEIRITSU HIGH SCHOOL, 18-25 MARCH 2019 (21.00041)**

**Recommendation:** That the information be noted.

**Report:** Students from Seiritsu High School in Tokyo, Japan, visited Bathurst from 18-25 March 2019 on a cultural exchange visit.

Activities and home hosting arrangements were coordinated by staff of the Bathurst Visitor Information Centre (BVIC). It is the role of BVIC staff to liaise with the Japanese Tour Agency and to source and confirm all host families, including provision of specialised information relating to each student and arrangement of all payments. BVIC also organises and books all student activities and travel arrangements during their Bathurst stay, and prepares the welcome packs and information for host families as well as for visiting teachers and tour leaders.

Groups from Seiritsu High School have been visiting Bathurst since 1996, with 52 students, 2 guides and 2 teachers visiting and requiring billeting amongst host families in 2019. 26 families took part in home hosting of students for this visit.

Whilst in Bathurst the students participated in organised school activities at the Bathurst High and Kelso High campuses of Denison College and Scots All Saints College, as well as visits to Yarrabin Ranch and the Bathurst Goldfields. A group also spent a day in Cowra with transport for the group provided by Mount Panorama Coaches and Bathurst One Day Tours.

Feedback from the visiting students and from host families was extremely positive and again emphasised the importance of this ongoing cultural exchange program. The visit injected over \$60,000 into the local economy, including payments made through the school to participating host families..

**Financial Implications:** There are no financial implications resulting from this report.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 23 Item 1 VISIT OF SEIRITSU HIGH SCHOOL, 18-25 MARCH 2019 (21.00041)  
MOVED: Cr B Bourke SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.

## **2 ARTS OUTWEST MEMORANDUM OF UNDERSTANDING 2018-2022 (18.00036)**

**Recommendation:** That Council:

- (a) Sign the Memorandum of Understanding with Arts OutWest 2018-2022.
- (b) Continue to support Arts OutWest in providing the financial contribution as outlined in the report.

**Report:** Council has received a request from Arts OutWest, to renew the Memorandum of Understanding (MOU) initially signed in 2002 with 17 Councils.

This new MOU, as shown at **attachment 1**, follows on from the previous MOU and requires approval by Council.

Council, in its Annual Operational Plan, provides funds to assist in the operations of Arts OutWest. Arts OutWest promotes, educates, facilitates and advocates for arts and cultural development for the communities of Central West NSW.

The formula used to calculate the rate is consistent for every LGA who contributes to Arts OutWest.

Arts OutWest delivers a high quality Arts program and it is recommended that Council, continue the financial contribution.

**Financial Implications:** Council has provided \$25,500 in the Annual Operating Plan 2018/2019 for Community Arts and this contribution is made directly to Arts OutWest.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.1, 2.6
- Objective 5: Community health, safety and well being Strategy 5.2
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.7

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.



## MINUTE

### **24 Item 2 ARTS OUTWEST MEMORANDUM OF UNDERSTANDING 2018-2022** **(18.00036)**

**MOVED: Cr J Jennings SECONDED: Cr M Morse**

**RESOLVED:** That Council:

- (a) Sign the Memorandum of Understanding with Arts OutWest 2018-2022.
- (b) Continue to support Arts OutWest in providing the financial contribution as outlined in the report.

### **3 NSW YOUTH WEEK - 10 - 18 APRIL 2019 (11.00020)**

**Recommendation:** That the information be noted.

**Report:** NSW Youth Week was held from 10 April – 18 April 2018.

Youth Week celebrates the positive contributions young people aged 12-25 years make to our communities. Youth Week is the largest celebration of young people in Australia. Thousands of young people aged 12-25 from across Australia are involved each year.

This year Bathurst celebrated Youth Week with the following five events:

**Event: YJAM in the Park**

**Venue: Machattie Park, Keppel Street**

**Date & Time: Friday 5 April 2019, 6pm-10pm**

YJAM in the Park was held in Machattie Park and featured eight performances from young local musicians. YJAM is a music project that celebrates the musical talents of young people in the Bathurst Region. Free hot drinks were available to all attendees, and food was available for purchase throughout the night. .

**Event: Fanfiction Writing Workshop**

**Venue: Bathurst Library, Keppel Street**

**Date & Time: Monday 15 April 2019, 2pm – 3.30pm**

This workshop allowed participants to explore the world of fanfiction and create their own stories. It featured characters from a particular TV series, movie or book. This workshop was for young people 12-17 years.

**Event: Augmented Reality (AR) Escape Room Challenge**

**Venue: Bathurst Library, Keppel Street**

**Date & Times: Wednesday 17 April 2019, 2pm-3.30pm and Thursday 18 April 2019, 10:30am-11:30am, 12pm-1pm, 2pm-3pm, 3:30pm-4:30pm**

Creation of the Escape Room was carried out on Day 1. Day 2 featured multiple sessions where small groups of young people attempted to 'escape' the room. This program was designed for young people 12-17 years.

**Event: Blunside Youth Week Clinic**

**Venue: Bathurst Skate Park, Lions Club Drive**

**Date & Time: Thursday 18 April 2019, 1pm-5pm**

Ricky from Blunside Sk8 Park Tours led workshops for skateboards, BMX and scooters.

**Event: Veritas House BBQ Bonanza**

**Venue: Veritas House, 106-108 Russell Street**

**Date & Time: Tuesday 16 April 2019, 12pm-2pm**

This free event featured a BBQ, arts corner, activities, sports corner, performances from young local musicians, games and prizes.

In total the five Youth Week events attracted over 160 people.

**Financial Implications:** The event was funded through a NSW Youth Week Grant and funds allocated in Council's budget to support Youth Week.

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth Strategy 4.1
- Objective 5: Community health, safety and well being Strategy 5.1, 5.2, 5.3, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.3, 6.5, 6.7, 6.8

**Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 25 Item 3 NSW YOUTH WEEK - 10 - 18 APRIL 2019 (11.00020)  
MOVED: Cr I North SECONDED: Cr W Aubin

**RESOLVED:** That the information be noted.

#### **4 KELSO COMMUNITY HUB - MAY 2019 UPDATE (09.00026)**

**Recommendation:** That the information be noted.

**Report: Capital Works**

The Kelso Community Hub was successful in obtaining a grant of \$50,000 under the NSW Government Social Housing Community Improvement Fund to assist with the upgrade of the outdoor recreation space.

This upgrade will emphasise natural landscaping, featuring sandstone, timber, a yarning circle, paths, play equipment and breakaway opportunities. The space will provide therapeutic, health and well-being benefits. It will allow a connection between creative play and learning. Services utilising the facility will have access to a range of various outdoor elements which can be used to further support clients.

Construction commenced in January 2019 and the project is anticipated to be completed in June 2019.

The Kelso Community Hub was also successful in obtaining a grant of \$150,000 under the Stronger Country Communities Fund. This grant will allow the following works to be carried out:

- Construction of additional storage in the existing building – completed September 2018.
- Refurbishment of the existing kitchen – construction was carried out in early 2019 and is now complete.
- Construction of an additional multipurpose room – construction is expected to commence in June 2019.

Councillors will be invited to inspect and launch these new assets.

**Services and programs operating:**

As a result of capital works, usage of the Kelso Community Hub by external services has been minimal throughout the early part of 2019.

Several external services recommenced their programs at Kelso Community Hub in May 2019, following completion of the kitchen refurbishment. External services currently delivering programs from Kelso Community Hub include Galloping Gumnuts, C3 Church, Young Life, Relationships Australia, Hope Church, NSW Health and Birrang Enterprise.

Breakfast Club, Walk-In Wednesday and school holiday activities, facilitated by Kelso Community Hub staff, have continued throughout the construction phase.

The Hub is currently operating five days per week, with services and programs continuing to have a positive impact on the community

**Financial Implications:** There are no financial implications resulting from this report.

**Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.3

- Objective 5: Community health, safety and well being

Strategy 5.1, 5.2, 5.3,  
5.4, 5.5

### **Community Engagement**

- Inform  
To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

## MINUTE

- 26 Item 4 KELSO COMMUNITY HUB - MAY 2019 UPDATE (09.00026)  
MOVED: Cr I North SECONDED: Cr J Rudge

**RESOLVED:** That the information be noted.





## MINUTE

### **27 Item 5 DOCUMENTS - CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV) (20.00320)**

**MOVED: Cr I North SECONDED: Cr A Christian**

**RESOLVED:** That Council:

- a) Adopt the Central Business District (CBD) Closed Circuit Television (CCTV) Policy, with addition of Section 1.9 as noted in this report.
- b) Note the Central Business District (CBD) Closed Circuit Television (CCTV) Code of Practice and Central Business District (CBD) Closed Circuit Television (CCTV) Standard Operating Procedure.

## **6 BATHURST REGIONAL ART GALLERY 'HOME' EDUCATION PROGRAM (21.00002)**

**Recommendation:** That the information be noted.

**Report:** HOME is a regional outreach education program that delivers sustained educational content and experiences introducing local Aboriginal art practice to primary school teachers, students and their wider communities in regional NSW.

The *HOME: Gunhigal Ngurambang Wiradyuri Mayiny (Plains Country Wiradyuri People)* program has been developed as a partnership between Bathurst Regional Art Gallery (BRAG), The Arts Unit of the Department of Education (DET), the Art Gallery of NSW AGNSW), and local Aboriginal community leaders.

HOME connects professional Aboriginal artists with local regional galleries to explore cultural practice and art, create new work and share knowledge with local communities. It offers a professional exchange that revitalises awareness, understanding and appreciation of the rich and diverse Aboriginal culture in regional NSW.

This is the first time that the HOME program has been delivered in the Central West of NSW. Response to the program has been substantial, with twelve primary schools from the Central West participating including: Wallerawang Public School, Spring Hill Public School, Clergate Public School, Mullion Creek School, Cumnock Public School, O'Connell Public School, Mulyan Public School, Canobolas Public School, Stuart Town Public School, Hargraves Public School, Ilford Public School, and Neville Public School.

This multi-faceted program involves learning and professional development opportunities for teachers, students, regional gallery staff and local artists through:

- an in-service professional development day for teachers at BRAG
- the delivery of a bespoke visual arts program for Stage 3 - 4 students over three school terms
- in-class virtual learning events facilitated by the AGNSW
- student excursions to BRAG with art-making workshops facilitated by local Wiradjuri artist Aleisha Lonsdale
- the exhibition of student works at BRAG in September/October.

A total of 14 teachers and teacher's aids attended the in-service training at BRAG, with 300 students scheduled to attend the HOME student workshops at BRAG in May.

**Financial Implications:** This project is jointly funded by The Arts Unit of the Department of Education (DET) and the Art Gallery of NSW (a subsidy of \$500 is provided to each participating school). Presenters fees for the student HOME workshops at BRAG are contained within BRAG's existing operating budget.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 5: Community health, safety and well being Strategy 5.3
- Objective 6: Community leadership and collaboration Strategy 6.2

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**28 Item 6 BATHURST REGIONAL ART GALLERY 'HOME' EDUCATION PROGRAM (21.00002)**

**MOVED: Cr I North SECONDED: Cr M Morse**

**RESOLVED:** That the information be noted.

## **7 AUSTRALIAN FOSSIL AND MINERAL MUSEUM, FAMILY DAY, SATURDAY 13 APRIL 2019 (21.00107)**

**Recommendation:** That the information be noted.

**Report:** The Australian Fossil and Mineral Museum held the annual Family Day on Saturday 13 April 2019. The main attractions were Taronga Zoo 'Zoo Mobile' and Dr Anne Kerle with an ecology display.

Taronga Zoo staff brought snakes, lizards, frogs, phasmids, an echidna and a baby possum. Dr Kerle displayed skulls and scats – challenging visitors to identify the animals the samples belonged to. Stereo microscopes were set up for children and adults to explore a variety of insects, eggs and wasp nests.

Other activities included a dress up corner, dinosaur jousting, story time and chalk drawings.

Surveys were conducted for the AFMM Strategic Plan and children were encouraged to draw their vision for the Museum. The resulting artworks were scanned and displayed on rotation on the large screen in the Mineral Gallery throughout the day.

Media leading up to the event included newspaper coverage in both the Western Advocate and the Western Times. Radio interviews promoted the event and Facebook successfully distributed the information.

The entry fee was \$5 per person. Attendance reached 923 people in total. Attendance at the Family Day (Mammoth Day) on Sunday 29 April 2018 was 352, with total income of \$1,495.

Total income for Family Day (Zoo Day) 2019 was \$5,051, which includes Gift Shop sales and entry fees. Overall, Zoo Day was a very successful public program for the Australian Fossil and Mineral Museum.

**Financial Implications:** Funding for this item is contained within existing budgets.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 1: Our sense of place and identity Strategy 1.3
- Objective 2: A smart and vibrant economy Strategy 2.6
- Objective 5: Community health, safety and well being Strategy 5.2

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**29 Item 7 AUSTRALIAN FOSSIL AND MINERAL MUSEUM, FAMILY DAY, SATURDAY 13 APRIL 2019 (21.00107)**

**MOVED: Cr W Aubin SECONDED: Cr M Morse**

**RESOLVED:** That the information be noted.

Yours faithfully



Alan Cattermole  
**DIRECTOR**  
**CULTURAL & COMMUNITY SERVICES**

**POLICY COMMITTEE MEETING**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

## **1 MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2019 (07.00064)**

**Recommendation:** That the recommendations of the Policy Committee Meeting held on 1 May 2019 be adopted.

**Report:** The Minutes of the Policy Committee Meeting held on 1 May 2019, are **attached**.

**Financial Implications:** N/A

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 6: Community leadership and collaboration Strategy 6.4

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.



## MINUTE

30 Item 1 MINUTES - POLICY COMMITTEE MEETING - 1 MAY 2019 (07.00064)  
MOVED: Cr I North SECONDED: Cr W Aubin

**RESOLVED:** That the recommendations of the Policy Committee Meeting held on 1 May 2019 be adopted.

**MINUTES OF THE POLICY COMMITTEE**  
**HELD ON 1 MAY 2019**

**MEETING COMMENCES**

**1 MEETING COMMENCES 6:00 PM**

**Present:** Councillors Hanger (Chair), Aubin, Christian, Fry, Jennings, Morse, North, Rudge.

**APOLOGIES**

**2 APOLOGIES**  
**MOVED** Cr I North

and **SECONDED** Cr W Aubin

**RESOLVED:** That the apology from Cr Bourke be accepted and leave of absence granted.

**REPORT OF PREVIOUS MEETING**

**3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 3 APRIL 2019 (07.00064)**  
**MOVED** Cr I North and **SECONDED** Cr A Christian

**RESOLVED:** That the Minutes of the Policy Committee Meeting held on 3 April 2019 be adopted.

**DECLARATION OF INTEREST**

**4 DECLARATION OF INTEREST 11.00002**  
**MOVED** Cr I North

and **SECONDED** Cr J Rudge

**RESOLVED:** That the Declaration of Interest be noted.

**RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS**

**Director Corporate Services & Finance's Report**

**5 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 27 MARCH 2019 (07.00096)**  
**MOVED** Cr J Rudge and **SECONDED** Cr W Aubin

**RESOLVED:** That the recommendations of the Audit & Risk Management Committee Meeting held on 27 March 2019 be adopted.

## **GENERAL BUSINESS**

### **6 Item 1 CCTV FUNDING (16.00145)**

**Cr North** - Great to receive the funds from the Federal Government

### **7 Item 2 RAGLAN VILLAGE MEETING - HIGHWAY UPGRADE & ROAD STUDY (25.00018, 20.00090)**

**Cr North** - asked where is the Roads & Maritime Services (RMS) study up to? Also referred to parking review to be undertaken.

**Director Engineering Services** advised that RMS and Bathurst Regional Council are currently working on the study, basic modelling has occurred and the consultant is looking at various scenarios. A Draft report is expected in a number of months. This study is separate to the parking study.

**Director Environmental Planning & Building Services** advised that when the traffic model is received, this will inform analysis of parking.

### **8 Item 3 WINTER FESTIVAL 23.00152**

**Cr North** - spoke to link in with Keppel Street and the issue of temporary liquor licences.

**Director Corporate Services & Finance** advised that the community is seeking restrictions to be lifted, they haven't yet spoken to Police, Council understands.

### **9 Item 4 VILLAGE MEETINGS - SUNNY CORNER (20.00177)**

**Cr North** - spoke to concerns of residents about services from the Lithgow area.

**General Manager** advised correspondence had been sent to Lithgow Council.

### **10 Item 5 DROUGHT FUNDING (16.00171)**

**Cr North** - asked where is this funding process at, as timelines are tight?

**General Manager** advised recommendations were being collated and will be referred to the relevant Government Department and then back to Council.

**11**      **Item 6 COUNCIL MEETING WITH A. BLAND & SKILLSET (37.00632)**

**Cr North** - asked where has this opportunity for a meeting with the Councillors got to?

**General Manager** advised awaiting a response from Mr Bland, with respect to timing.

**12**      **Item 7 ROCKLEY ANZAC DAY (23.00076)**

**Cr North** - advised that one of the flag poles was not working. Could we look at this, including putting up a program to check these before events occur?

**Cr Morse** - noted concerns also extend to suitable seating as well, in the area.

**13**      **Item 8 MITRE / SUTTOR / LAMBERT STREETS ROUNDABOUT (25.00095)**

**Cr Christian** - asked for an update.

**Director Engineering Services** advised that final design was received yesterday and hope to have tenders out within two weeks.

**14**      **Item 9 MARSDEN LANE PEDESTRIAN CROSSING (25.00124)**

**Cr Christian** - asked how long will process of review occur?

**Director Engineering Services** advised this will be referred to June meeting of the Traffic Committee. Last time the matter was referred to the Committee, no action was approved.

**15**      **Item 10 STREET SIGNS (AROUND KELSO) (28.00007)**

**Cr Christian** - advised that there are green signs which are hard to read. Why did we go from blue signs?

**Director Engineering Services** spoke to style guides and prior history.

**16      Item 11 HOWICK & GEORGE STREETS ROUNDABOUT SIGNAGE (25.00007)**

**Cr Christian** - asked when will signage be put in and also questioned timeline for plantings.

**Director Engineering Services** advised signage has been ordered, Plantings will be incorporated into scheduled planting / maintenance programs.

**17      Item 12 PEDESTIAN CROSSING - DUGGANS PUB (25.00007)**

**Cr Christian** - asked what was the timeline for installation?

**Director Engineering Services** advise that it is due late in this financial year.

**18      Item 13 CCTV (20.00320)**

**Cr Christian** - Fantastic news on the grant received.

**19      Item 14 WASTE REDUCTION INITIATIVE - WESTERN ADVOCATE (14.00003)**

**Cr Fry** - asked if Councillors could get a Council (Electronic) subscription to the Western Advocate?

**Director Corporate Services & Finance** advised that this is a matter for Councillors to include in the Councillors Expenses Policy.

**20      Item 15 WATER SUPPLY TO VILLAGES (13.00020)**

**Cr Fry** - There is a need for emergency water supplies in villages, what can Council do? Do we provide?

**Director Engineering Services** advised that the Rural Fire Service (RFS) often has bulk supply facilities in place, otherwise this is a matter for Council to budget. If RFS want more, they would normally go through their Head Office to include in their annual budgets.

**21**      **Item 16 MONSANTO / BEYER COURT CASE (02.00010)**

**Cr Fry** - spoke to recent weed spray court case re payout. Do we test for chemicals like, glycophosphates or pesticides in our water supplies? Risk concerns were raised.

**Director Engineering Services** advised Bathurst Regional Council tests according to National Standards.

**22**      **Item 17 MCPHILLAMY LAND GIFTED TO COUNCIL (04.00024)**

**Cr Fry** - asked were there conditions on the gifting of this land in the 1930s?

**General Manager** advised matter would need to be researched.

**23**      **Item 18 OPHIR ROAD, PERTHVILLE, ELEVEN MILE DRIVE (25.00040, 25.00028, 25.00029 )**

**Cr Morse** - Roadsides need to be repaired and asked are their funds to fix these?

**Director Engineering Services** spoke to budget allocations, road standards etc.

**24**      **Item 19 GARBAGE BINS IN TOWN (14.00052)**

**Cr Morse** - advised some of the large bins no longer exist. Are these being phased out?

**Director Engineering Services** advised where large bins are damaged, generally will be phased out for wheelie bins.

**25**      **Item 20 BATHURST HEALTH SERVICES (18.00234)**

**Cr Aubin** - advised that recently, approaches have been made to Councillors about the level of service. Then spoke to his recent experience at Bathurst Hospital and concerns about the treatment that occurred. There really needs to be a review of health services in Bathurst with the State Government. Council needs to meet with the local member and health service representatives.

**26**      **Item 21 TOURIST ATTRACTIONS (20.00020)**

**Cr Jennings** - asked, could Bathurst partner with Dubbo on our top three tourist attractions?

**Director Cultural & Community Services** advised Council will assess this proposal.

**27**      **Item 22 FORGOTTEN PARKS (04.00034)**

**Cr Jennings** - enquired when is the working party scheduled?

**General Manager** advised next Wednesday evening.

**28**      **Item 23 BATHURST ASSISTANCE GRANTS (18.00004)**

**Cr Rudge** - spoke to various grants available from Council eg Heritage Grants, and projects successfully undertaken such as cemetery data collation.

**29**      **Item 24 WATER MATTERS (32.00017)**

**Cr Rudge** - noted water restrictions in place, responses received from residents and disregarding of restrictions. The dam is currently at 43.1%. Noted the level of drought in the Central West per DPI statistics. Public raising issues such as; infrastructure needs, restrictions, raising dam wall, irrigators, when restrictions were applied and other matters.

**Director Engineering Services** spoke of various issues such as: population growth since 2008, Bathurst Regional Council's use of water has not grown, change in residential land block sizes, costs and difficulties in raising the dam wall (spillway etc), smart meters and monitoring, water restrictions and timing, water wise messaging, irrigator operations, Winburndale Dam operations, Drought Management Plan.

**30**      **Item 25 DENISON BRIDGE LIGHTS (40.00003)**

**Cr Rudge** - advised, have had requests for lights from walkers.

**Director Engineering Services** advised quotes have been sought, the matter is still under investigation.

**MEETING CLOSE**

**31**      **MEETING CLOSE**

The Meeting closed at 6.49 pm.

**CHAIRMAN:** \_\_\_\_\_



## **COUNCILLORS/ DELEGATES REPORTS AND MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

## **1 COUNCILLORS MEETING WITH COMMUNITY GROUPS/REPRESENTATIVES - 10 APRIL 2019 (11.00019)**

**Recommendation:** That the information be noted.

**Report:** **Present:** Councillors Hanger (Chair), Aubin (6.15 pm), Bourke (6.15), Fry, Jennings, Morse, North

**Apologies:** Clr Rudge, Clr Christian and Martin Rogers, Chief Executive Officer, NSW Taxi Council

### **1. NSW TAXI COUNCIL (11.00019)**

Nick Abraham, Deputy Chief Executive Officer, Dean Shadbolt and Paul Shanahan from Bathurst Taxis.

Discussion included:

Obstacles:

- Transport Landscape has changed with Point to Point, Transport (Taxis & Hire Vehicles) Bill and Regulation

Two Categories:

- Taxi Service provider - Rank and Hail service
- Booking Service Provider (no Taxi Plate)

Traditional Taxis Networks will be both a Taxi Service Provider (TSP) and a Booking Service Provider (BSP)

Passenger Market:

- 1% Taxis and Uber, 14% Public Transport, 85% in personal cars (non paid)

Three Pillars of Focus:

- (i) Equity to licence owners (compensation for loss of equity experienced by taxi plate owners).
- (ii) Proactive Compliance - enforcement of Point to Point Regulation for everyone. Industry Innovation - new means to compete in market.
- (iii) Taxi Licence Values - Sydney Metro average value has dropped approximately 80%.

**Financial Implications:** Nil.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth Strategy 4.3
- Objective 6: Community leadership and collaboration Strategy 6.1

## **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**31 Item 1 COUNCILLORS MEETING WITH COMMUNITY  
GROUPS/REPRESENTATIVES - 10 APRIL 2019 (11.00019)**  
**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That the information be noted.

## **2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 2 APRIL 2019 (11.00020)**

**Recommendation:** That the information be noted.

**Report:** The Youth Council considered a number of items at their meeting, including the following:

- YJAM in the Park
- NSW Youth Week 2019
- Participation at recent community events
- Youth Councillor involvement in recruitment for 2019/2020 Youth Council

A copy of the Minutes is provided at **attachment 1**.

**Financial Implications:** There are no financial implications resulting from this report.

### **Bathurst Community Strategic Plan - Objectives and Strategies**

- Objective 4: Enabling sustainable growth Strategy 4.1
- Objective 5: Community health, safety and well being Strategy 5.1, 5.2, 5.3, 5.5
- Objective 6: Community leadership and collaboration Strategy 6.1, 6.2, 6.3, 6.5, 6.7, 6.8

### **Community Engagement**

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

**MINUTE**

**32 Item 2 MINUTES - BATHURST REGIONAL YOUTH COUNCIL - 2 APRIL 2019**  
**(11.00020)**

**MOVED: Cr A Christian SECONDED: Cr I North**

**RESOLVED:** That the information be noted.

## MINUTE

### **33 RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE TO DEAL WITH CONFIDENTIAL REPORTS**

**MOVED: Cr J Fry SECONDED: Cr J Rudge**

The Mayor invited members of the public to make submissions on whether the matter should or should not be dealt with in Confidential Committee.

**There were no representations from the public.**

**RESOLVED:** That:

- (a) Council resolve into closed Council to consider business identified, together with any late reports tabled at the meeting.
- (b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
- (c) Correspondence and reports relevant to the subject business be withheld from access.

#### **\* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN LANDS) OVER FORMER BATHURST GASWORKS SITE	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.

#### **\* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	REQUEST FOR FINANCIAL ASSISTANCE	10A (2) (b) – contains advice concerning hardship of a resident or ratepayer, disclosure of which would not be in the public interest as it would prejudice the personal position of the individual concerned.

#### **\* DIRECTOR ENGINEERING SERVICES' REPORT**

ITEM	SUBJECT	REASON FOR CONFIDENTIALITY
1	TENDER FOR DESIGN AND CONSTRUCTION OF BMX	10A (2) (d) (i) – contains commercial information of a confidential nature that

	CLUBHOUSE AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK	would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
2	TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY AND ELEVATED BOARDWALK AT MOUNT PANORAMA, BATHURST	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.
3	VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT BATHURST AERODROME	10A (2) (d) (i) – contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Discussion of the matter in open council would, on balance, be contrary to the public interest as it would prejudice the commercial position of the person who supplied it.



**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'  
CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

**MINUTE**

- (a) Item 1 REQUEST FOR ADVICE FROM DEPARTMENT OF INDUSTRY (CROWN LANDS) OVER FORMER BATHURST GASWORKS SITE (22.00052)**  
**MOVED: Cr B Bourke SECONDED: Cr J Jennings**

**RESOLVED:** That the information be noted.

**DIRECTOR CORPORATE SERVICES & FINANCE'S CONFIDENTIAL  
MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

**MINUTE**

**(b) Item 1 REQUEST FOR FINANCIAL ASSISTANCE (25.0007, 33.00830, 18.00004)**

**MOVED: Cr W Aubin SECONDED: Cr J Jennings**

**RESOLVED:** That Council act in accordance with the recommendation of the report.

**DIRECTOR ENGINEERING SERVICES' CONFIDENTIAL MINUTES**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

**MINUTE**

**(c) Item 1 TENDER FOR DESIGN AND CONSTRUCTION OF BMX CLUBHOUSE AND AMENITIES BUILDING AT THE BATHURST BICYCLE PARK (36.00703)**

**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That Council accepts the tender from Tablelands Builders Pty Ltd to the amount of \$632,767.30 (GST incl.), subject to provisional items and variations.

**MINUTE**

**(d) Item 2 TENDER FOR CONSTRUCTION OF PEDESTRIAN WALKWAY  
AND ELEVATED BOARDWALK AT MOUNT PANORAMA, BATHURST (36.00704)**

**MOVED: Cr I North SECONDED: Cr W Aubin**

**RESOLVED:** That Council accepts the tender from Webber Concrete Constructions Pty Ltd to the amount of \$2,011,231.00 (GST incl.), subject to provisional items and variations.

**MINUTE**

**(e) Item 3 VARIATION TO CONTRACT FOR CONSTRUCTION OF SEWER AT BATHURST AERODROME (36.00698)**

**MOVED: Cr I North SECONDED: Cr J Rudge**

**RESOLVED:** That Council accepts the variation to Contract 36.00698 in the amount of \$157,664.80 (GST incl.) subject to minor adjustment, as required.



## MINUTE

- 34 **RESOLVE INTO OPEN COUNCIL**  
**MOVED: Cr J Rudge SECONDED: Cr B Bourke**

**RESOLVED:** That Council resume Open Council.

## MINUTE

**35 ADOPT REPORT OF THE COMMITTEE OF THE WHOLE**  
**MOVED: Cr A Christian SECONDED: Cr W Aubin**

**RESOLVED:** That the Report of the Committee of the Whole, Items (a) to (e) be adopted.

## MINUTE

### 36 MEETING CLOSE

The Meeting closed at 9.29 pm.

**CHAIRMAN:** \_\_\_\_\_

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'  
REPORT - ATTACHMENTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

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Type	Year	No.	Value	Description	Address	Date Determine
10	2019	16	\$0	Demolition of dwelling and outbuildings	3 Reef Street HILL END	1/04/2019
10	2018	52	\$120,000	MOD - Tourism accommodation and related tourism	453 Conrod Straight MOUNT PANORAMA	23/04/2019
10	2019	52	\$14,500	Shed	86 Samuel Way THE LAGOON	1/04/2019
10	2010	427	\$10,000	1. Use of whole of the existing dwelling as bed and breakfast2. Conve	324 Hill End Road SOFALA	24/04/2019
10	2019	59	\$462,000	Dual occupancy and two lot residential subdivision	5 Granite Rise KELSO	18/04/2019
10	2019	62	\$80,000	Demolition of existing toilet block & construction of new toilet block	8 West Street PEEL	23/04/2019
10	2019	64	\$600,000	Construction of clubhouse and amenities building for BMX track	357 College Road ORTON PARK	23/04/2019
10	2019	66	\$49,500	Retaining wall	23 Lewins Street SOUTH BATHURST	1/04/2019
10	2019	67	\$250,000	Single storey dwelling with attached garage	84 Sydney Road KELSO	15/04/2019
10	2019	69	\$181,000	Addition to existing mechanical workshop	21 Wembley Place KELSO	15/04/2019
10	2019	70	\$4,800	Addition to dwelling	2175 Turondale Road TURONDALE	9/04/2019
10	2019	74	\$2,000	Two business identification signs (freestanding blade signs)	1 Jacks Close KELSO	2/04/2019
10	2019	75	\$18,000	Alterations to dwelling	240 Rocket Street BATHURST	1/04/2019
10	2019	78	\$0	Rural subdivision - boundary adjustment and consolidation	86 Evans Plains Road DUNKELD	24/04/2019
10	2017	378	\$500,000	MOD - additions & alterations to main dwelling with attached garage	155 Tarana Road BREWONGLE	12/04/2019
10	2019	83	\$4,500	Carport	11 Walpole Close KELSO	4/04/2019
10	2019	90	\$0	Two lot residential subdivision	571 Eleven Mile Drive EGLINTON	15/04/2019
10	2019	91	\$4,500	Carport	14 Scotford Place WINDRADYNE	15/04/2019
10	2018	396	\$28,960	Modification Commercial - Additions/Alterations and Carport	87 Durham Street BATHURST	4/04/2019
10	2019	95	\$34,800	Additions to dwelling	19 Blaxland Drive LLANARTH	24/04/2019
10	2019	96	\$19,000	Reroofing of dwelling	47 Wellington Street EGLINTON	12/04/2019
18	2019	40	\$286,709	Single storey dwelling with attached garage	1 Marble Close KELSO	2/04/2019
10	2019	99	\$35,117	Partial demolition and reconstruction of existing bathroom/laundry	30 Havannah Street BATHURST	16/04/2019
10	2019	104	\$30,000	Swimming pool and safety barrier	11 Pioneer Street BATHURST	10/04/2019
10	2019	106	\$32,020	Shed	Browning Street MITCHELL	15/04/2019
18	2019	41	\$393,939	Single storey dwelling with attached garage	60 Parer Road ABERCROMBIE	8/04/2019
18	2019	42	\$220,000	Single storey dwelling with attached garage	20 Newlands Crescent KELSO	10/04/2019
10	2019	110	\$290,000	Dual occupancy (second dwelling) and two lot residential subdivision	23 Darling Street EGLINTON	18/04/2019
10	2019	111	\$6,750	Alterations to existing signage	269 Stewart Street BATHURST	23/04/2019
10	2019	112	\$6,750	Alterations to commercial signage	64 Sydney Road KELSO	23/04/2019
18	2019	45	\$392,100	Single storey dwelling with attached garage	12 Saltram Circuit EGLINTON	12/04/2019
18	2019	46	\$270,000	Single storey dwelling with attached garage	5 Burlington Rise KELSO	15/04/2019

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Type	Year	No.	Value	Description	Address	Date Determine
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NIL



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Type	Year	No.	Value	Description	Address
10	2017	214	\$75,000	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN
10	2018	115	\$0	Continued and expanded operation of an extractive industry	1329 Mid Western Highway EVANS PLAINS
10	2018	128	\$19,000	Use of existing habitable space	79 Bonnor Street KELSO
10	2018	227	\$8,500,000	Mixed use redevelopment	7 Keppel Street BATHURST
10	2018	240	\$0	Use of existing spa pool	486 Billywillinga Road BILLYWILLINGA
10	2018	244	\$572,000	One x two bedroom and one x three bedroom two storey units, three lot	198 Rankin Street BATHURST
10	2016	441	\$432,000	MOD - Separate dwelling addition	16 PJ Moodie Drive RAGLAN
10	2018	350	\$0	123 lot residential subdivision	Marsden Lane KELSO
10	2018	380	\$0	124 lot residential subdivision with associated roads	Marsden Lane KELSO
10	2018	395	\$0	90 lot residential subdivision, new roads and 1 residue lot	Colville Street WINDRADYNE
10	2018	404	\$320,000	Single storey dwelling with attached garage	690 The Bridle Track DURAMANA
10	2018	426	\$30,000	Addition to existing outbuilding	1585 Sofala Road PEEL
10	2018	433	\$396,515	Single storey rural dwelling with attached garage and detached shed	291 Mount Haven Way MEADOW FLAT
10	2019	5	\$680,000	Four residential units & strata subdivision	145 Durham Street BATHURST
10	2019	8	\$0	50 lot and 1 residual commercial subdivision and new roads	PJ Moodie Drive RAGLAN
18	2019	11	\$292,000	Single storey dwelling with attached garage	31 Darling Street EGLINTON
10	2013	239	\$0	MOD - Commercial signage	120 Russell Street BATHURST
10	2019	35	\$40,000	Shed	60 Cottonwood Drive EGLINTON
10	2019	45	\$200,000	Alterations and additions to existing second dwelling	310 Eleven Mile Drive EGLINTON
10	2019	54	\$8,100	Amenities block	Stewart Street MITCHELL
10	2017	142	\$0	MOD Internal and external alterations to existing commercial building	205 Howick Street BATHURST
10	2019	57	\$48,000	Shed	396 Rivulet Road PEEL
10	2019	71	\$3,750	Convert carport to shed	17 Torch Street SOUTH BATHURST
10	2019	79	\$80,000	Farm shed	White Rock Road WHITE ROCK
10	2019	80	\$394,993	Single storey dwelling and detached garage	75 McManus Road MEADOW FLAT
10	2019	82	\$476,000	Dual occupancy and two lot residential subdivision	3 Matthews Street WINDRADYNE
10	2019	84	\$0	Three lot rural subdivision	351 Root Hog Road GOWAN
10	2019	85	\$60,000	Demolition of existing garage and construction of new garage	34 Vittoria Street WEST BATHURST
10	2018	367	\$600,000	Separate Dwelling - Additions and Swimming Pool and Garage/Shed	277 Howick Street BATHURST
10	2019	87	\$55,000	Additions and alterations to existing dwelling	7 Cross Street BATHURST
10	2019	88	\$30,000	Change use from dwelling to office premises and alterations and additi	11 Church Street BATHURST
10	2019	89	\$325,000	Two storey dwelling with attached garage and retaining walls	40 Governors Parade WINDRADYNE
10	2019	92	\$527,000	Dual occupancy & two lot residential subdivision	105 Graham Drive KELSO
10	2019	93	\$0	Rural boundary adjustment	2455 Mid Western Highway FITZGERALDS M
10	2019	94	\$25,000	Additions to existing dwelling	14 Torch Street SOUTH BATHURST
10	2019	97	\$4,000	Retaining wall	23 Queen Street PERTHVILLE
10	2019	98	\$2,000,000	Three x three bedroom & two x two bedroom units and retaining walls	18 Ignatius Place KELSO
10	2019	100	\$540,000	Dual occupancy and two lot residential subdivision	119 Graham Drive KELSO
10	2019	101	\$240,000	Dual occupancy	24 Russell Street GORMANS HILL
10	2019	102	\$25,000	Shed	200 Gilmour Street KELSO
10	2019	103	\$275,125	Single storey dwelling with attached garage	78 Samuel Way THE LAGOON
10	2019	105	\$12,000	Shed	46 Duramana Road EGLINTON
10	2019	107	\$50,000	Additions to storage units & two lot subdivision (boundary adjustment	30 Vale Road SOUTH BATHURST
10	2019	108	\$480,000	Alterations and addition to commercial premises and first floor units	217 George Street BATHURST
10	2019	109	\$45,000	Internal alterations to convert place of public worship to dwelling	10 Esrom Street WEST BATHURST
10	2019	113	\$570,000	Dual occupancy and two lot residential subdivision	Maxwell Drive EGLINTON
10	2019	114	\$280,000	Single storey dwelling	Church Street PEEL
10	2019	115	\$12,500	Shed	8 Lions Club Drive KELSO
10	2019	116	\$562,320	Dual occupancy and two lot residential subdivision	13 Granite Rise KELSO
10	2019	117	\$50,000	Front brick fence	10 Ironstone Avenue WHITE ROCK
10	2019	118	\$584,606	Two storey dwelling with attached garage	12 Croft Close THE LAGOON

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Type	Year	No.	Value	Description	Address
10	2019	119	\$8,500	Business identification sign (one flush wall sign)	3 Pat O'Leary Drive KELSO
10	2019	120	\$20,000	Cut and fill residential land	103 Samuel Way THE LAGOON
10	2019	121	\$394,533	Single storey dwelling	5 Croft Close THE LAGOON
10	2019	122	\$22,800	Commercial LED illuminated sign	250 Stewart Street BATHURST
10	2019	123	\$0	Dual Occupancy (second dwelling) & two lot residential subdivision	16 Albert Street BATHURST
10	2019	124	\$250,000	Demolition of carport, construction of garage and self contained unit	292 William Street BATHURST
10	2019	125	\$0	Change of use & signage - Hair salon	253 George Street BATHURST
10	2019	126	\$7,000	Shed	27 Bowen Street SOFALA
10	2019	127	\$829,380	Single storey dwelling with attached garage	260 Boundary Road ROBIN HILL
10	2019	128	\$0	Two lot rural subdivision ( boundary adjustment)	1944 Mitchell Highway THE ROCKS
10	2019	129	\$523,600	Dual occupancy & two lot residential subdivision	8 Connolly Drive KELSO
18	2019	47	\$300,000	Alterations to existing commercial retail space	39 William Street BATHURST
18	2019	48	\$5,000	Use of existing commercial premise	177 Howick Street BATHURST
10	2019	130	\$60,000	Storage shed and alter septic tank	3 Leo Grant Drive KELSO
10	2019	74	\$2,000	Commercial - Signs	1 Jacks Close KELSO
10	2019	131	\$141,733	Granny flat	1 Cutler Street WEST BATHURST
10	2019	132	\$0	Establishment of use	7 Keppel Street BATHURST
18	2019	49	\$294,800	Single storey dwelling with attached garage	20 Carrol Avenue EGLINTON
18	2019	50	\$280,000	Single storey dwelling and attached garage	18 Burlington Rise KELSO
10	2018	491	\$18,000	Shed	7 Croft Close THE LAGOON
10	2019	133	\$8,500,000	38 residential units and demolition of existing structure	19 Durham Street BATHURST
10	2019	134	\$14,310	Shed	4 Cox Lane EGLINTON



## Applications Over 40 Days



App Type	Year	No.	Description	Address	Application Date	Days Open	Stop Days	Reason
10	2013	239	MOD - Commercial signage	120 Russell Street BATHURST	5/02/2019	87		Waiting on amended plans
10	2016	441	MOD - Separate dwelling addition	16 PJ Moodie Drive RAGLAN	27/07/2018	280	273	Waiting on additional information
10	2017	142	MOD Internal and external alterations to existing	205 Howick Street BATHURST	28/02/2019	64		Waiting on amended plans
10	2017	214	Internal office addition to existing hangar	PJ Moodie Drive RAGLAN	16/06/2017	686	640	Additional information requested
10	2018	115	Continued and expanded operation of an extractive quarry	1329 Mid Western Highway EVANS PLAINS	9/04/2018	389	345	JRPP Hearing on 23 May 2019
10	2018	128	Use of existing habitable space	79 Bonnor Street KELSO	17/04/2018	381	346	Waiting on additional information
10	2018	227	Mixed use redevelopment	7 Keppel Street BATHURST	29/06/2018	308	262	Awaiting applicant advice
10	2018	240	Use of existing spa pool	486 Billywillinga Road BILLYWILLINGA	11/07/2018	296		Waiting on additional information
10	2018	244	1 x 2 bedroom and 1 x 3 bedroom two storey units	198 Rankin Street BATHURST	13/07/2018	294	119	Flood level certificate required
10	2018	350	123 lot residential subdivision	Marsden Lane KELSO	18/09/2018	227	175	Additional information requested
10	2018	380	124 lot residential subdivision with associated roads	Marsden Lane KELSO	5/10/2018	210	175	Additional information requested
10	2018	395	90 lot residential subdivision, new roads, 1 residue lot	Colville Street WINDRADYNE	18/10/2018	197	168	Awaiting additional advice
10	2018	433	Single storey rural dwelling with attached garage and detached	291 Mount Haven Way MEADOW FLAT	13/11/2018	171	91	Waiting on additional information
10	2019	5	Four residential units & strata subdivision	145 Durham Street BATHURST	8/01/2019	115	86	Waiting on additional information
10	2019	8	50 lot and 1 residual commercial subdivision and	PJ Moodie Drive RAGLAN	10/01/2019	113		Waiting on amended plans
10	2019	35	Shed	60 Cottonwood Drive EGLINTON	12/02/2019	80	76	Report to 15 May Council meeting
10	2019	45	Alterations and additions to existing second dwelling	310 Eleven Mile Drive EGLINTON	18/02/2019	74		Waiting on amended plans
10	2019	54	Amenities block	Stewart Street MITCHELL	28/02/2019	64	56	Additional information requested
10	2019	80	Single storey dwelling and detached garage	75 McManus Road MEADOW FLAT	19/03/2019	45		Under assessment
10	2019	84	Three lot rural subdivision	351 Root Hog Road GOWAN	20/03/2019	44		Awaiting RFS comment
10	2019	85	Demolition of garage and construct new garage	34 Vittoria Street WEST BATHURST	20/03/2019	44		Waiting on amended plans
10	2019	87	Additions and alterations to existing dwelling	7 Cross Street BATHURST	22/03/2019	42		Under assessment
10	2019	89	Two storey dwelling, attached garage & retaining walls	40 Governors Parade WINDRADYNE	22/03/2019	42	3	Awaiting additional information

*Authority*

### DA's Approved Under SEPP 1



1/4/2019 - 30/4/2019

Council DA	Lot	DP	Street No	Street Name	Suburb	Postcode	Category	Environmental Planning Instrument	Zoning Of Land	Development Standard To Be Varied	Justification Of Variation	Extent Of Variation	Concurring Authority	Date Determined
------------	-----	----	-----------	-------------	--------	----------	----------	-----------------------------------	----------------	-----------------------------------	----------------------------	---------------------	----------------------	-----------------

NIL

<i>Authority</i>
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Drawn By: Kylie Denyer

Date: 3/05/2019

Projection: GDA94 / MGA zone 55

Map Scale: 1:823 @ A4

2019/35/009

**Application- DA 10-2019-35-1****Mark MacMurray** to: council@bathurst.nsw.gov.au

28/02/2019 01:56 PM

From: Mark MacMurray <macmurray91@gmail.com>  
To: "council@bathurst.nsw.gov.au" <council@bathurst.nsw.gov.au>

---

To whom it may concern.

I would to draw to your attention the construction of a \$40,000 Shed at 60 Cottonwood Drive.

I'm of the opinion that such a large Shed 40k worth will be detrimental to the value of my residence, as the occupying person of that dwelling restores old cars on site, that from time to time sit on footpat.

Plus when he gets them going comes down street with them unregistered Test driving to tune up, I know it's a police issue.

Will this large construction be fitted with paint booths and hoists, or as DA states a Shed 40k worth.

I fear this backyard venture will grow out of hand, as it is, I hear his current working tools on weekends. Which will eventually devalue our house I strongly feel.

Plus would like something done about Range Rovers parked on footpath in Hollyhock Pl, from #46 Cottonwood Drive these back yard enterprises are destroying our house values.

Regards

Mark MacMurray  
64 Cottonwood Drive  
Eglington.

[Report this message as spam](#)



2019/35/010



**Contact Bathurst Regional Council**  
**Bathurst Regional Council** to: council

28/02/2019 02:33 PM

From: Bathurst Regional Council <council@bathurst.nsw.gov.au>  
To: council@bathurst.nsw.gov.au

---

**Name**

Keith Lynch

**Email**

laurielynch1@gmail.com

**Subject**

Objection to Development Application

**Message**

I would like to lodge an objection to the granting of Development Application for the erection of a shed at 60 Cottonwood Drive Eglinton my concerns are The size of the Shed Height and Length I don't believe it is suitable for a residential area I don't think it will be used for private purposes more like a business operation it will reduce the value of the properties at this end of Cottonwood Drive due to the size of the shed it will also impact our enjoyment of our homes and area

[Report this message as spam](#)

BATHURST REGIONAL COUNCIL		
7 MAR 2019		
REF. 2019	35	011

Dear My R Denyer,

I am writing a submission in response to the below development application:

*Development Application No 2019/35*

*Proposed Development: Shed*

*Premises: Lot: 44 DP: 816073 60 Cottonwood Drive EGLINTON*

*Name of applicant: Mr JJ Smoother*

RECEIVED

26 FEB 2019

BATHURST REGIONAL COUNCIL

I have great concerns with the development application that is proposed; specifically the implications to the congestion of the street, the noise that we assume will accompany the new shed and the privacy in regards to my own home.

There is already a large shed on the block with relentless panel beating, spray painting and car restoration taking place more frequently than not. The said block is fast becoming a wrecking yard. As such, we have seen occasions that the cul-de-sac of Hollyhock Place (the applicant lives on a corner block meeting with Cottonwood Drive) is almost blocked with multiple cars and car trailers parked in the cul-de-sac and street. This implication is quite distressing already considering that those accessing the cul-de-sac are residents and their families wanting to access their own properties.

Another implication to consider is that the development of the shed would over shadow my property, mostly being the backyard however it is also close to three out of four of our bedrooms. The peace and quietness of our property would be jeopardised, as would the valuation of my property by the smell (which possibly requires precautions such as face masks or closed windows) and the noise that would be created alone.

Thus, it is in my opinion that this is a residential area not an industrial or commercial area.

I would be grateful if someone from the council would inspect the site and the cul-de-sac in mention (Hollyhock Place) to form their own opinion and see the devaluation this is already having on the surrounding residence and the impact to the residents.

Thank you,

Yours Sincerely,

Glenn Bennett (62 Cottonwood Drive)

25/02/2019



## DISCUSSION FORUM

DETAILS: PROPOSED SHED

DATE: 14 MARCH 2019

PRESENT: **MR NEIL SOUTHORN & REBECCA HIGGINS-DALEY  
JON SMOOTHER, MARDI KNIGHT (OWNERS)  
MARK MACMURRY, LAURIE LYNCH, GLENN BENNETT  
(SUBMISSIONS)**

FILE: DA2019/35, 60 COTTONWOOD DRIVE, EGLINTON

Meeting Opened:

Mr Neil Southorn opened the meeting at 12.30pm. Mr Southorn asked who would like to start with any concerns.

Mr Bennett – was concerned about the current possessions in the shed, spray paint smell and noise.

Mr Smoother & Ms Knight – informed Mr Bennett they only work on their own cars and that they own 10.

Mr Southorn – asked to clarify painting inside the shed.

Mr Smoother & Ms Knight – the paint is only in cans not a spray booth

Mr Bennett – Will there be noise reduction / extension of fence? Could over shadow his property.

Mr Smoother – will be installing hedging along the fence.

- The shed is built as far away from the surrounding house as possible
- Cars will be in the shed only. No access to the backyard and cannot park in front of the shed
- Will be doing other works to the property in the future.

Mr Southorn – Clarified some points: doors only at the front

- Future plans the owners have for the property cannot be taken into consideration for this application.

Mr Smoother – we are not running a business from home.

Mr Bennett – at times there are too many cars and makes its difficult to get around the area.

- Drives unregistered cars on the road

Mr Smoother – All cars driven on the road are registered.



Mr Bennett – thank you for clarifying that.

Mr MacMurry – objects that a precedent could be set for the area, that everyone in the neighbourhood will do it.

- Cars are very noisy

Mr Southorn – noise is like a noisy party – it's a Police matter

Mr Lynch – Noise, revving of cars while going around the cul-de-sac

Everyone looked at the proposed plans and its location on the block.

Mr Bennett – Location is fine, as its not on his fence line as first thought. Keep the noise down.

Mr Smoother – future plan is to line the shed to reduce noise.

Mr Bennett & Mr MacMurry & Mr Lynch – lots of children play in Hollyhock Place

Mr Smoother – raised the issue of 46 Cottonwood Drive. It has trailers and cars.

- Mr Smoother said he parks cars on Council verge / footpath to reduce obstacles on the road.

Mr Lynch – Holden station wagon is very noisy when started.

Mr MacMurry – the car noise – can hear it inside his home, possible future impacts.

- Opposite corner has lots out and both combined reduces the ability to get into Hollyhock Place.

Mr Lynch – Why 5 meters high?

Mr Smoother – future mezzanine for storage and 2 car hoists.

Mr Bennett & Mr MacMurry & Mr Lynch – no concerns after speaking with Jon & Mardi

Meeting Closed:

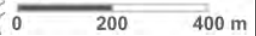
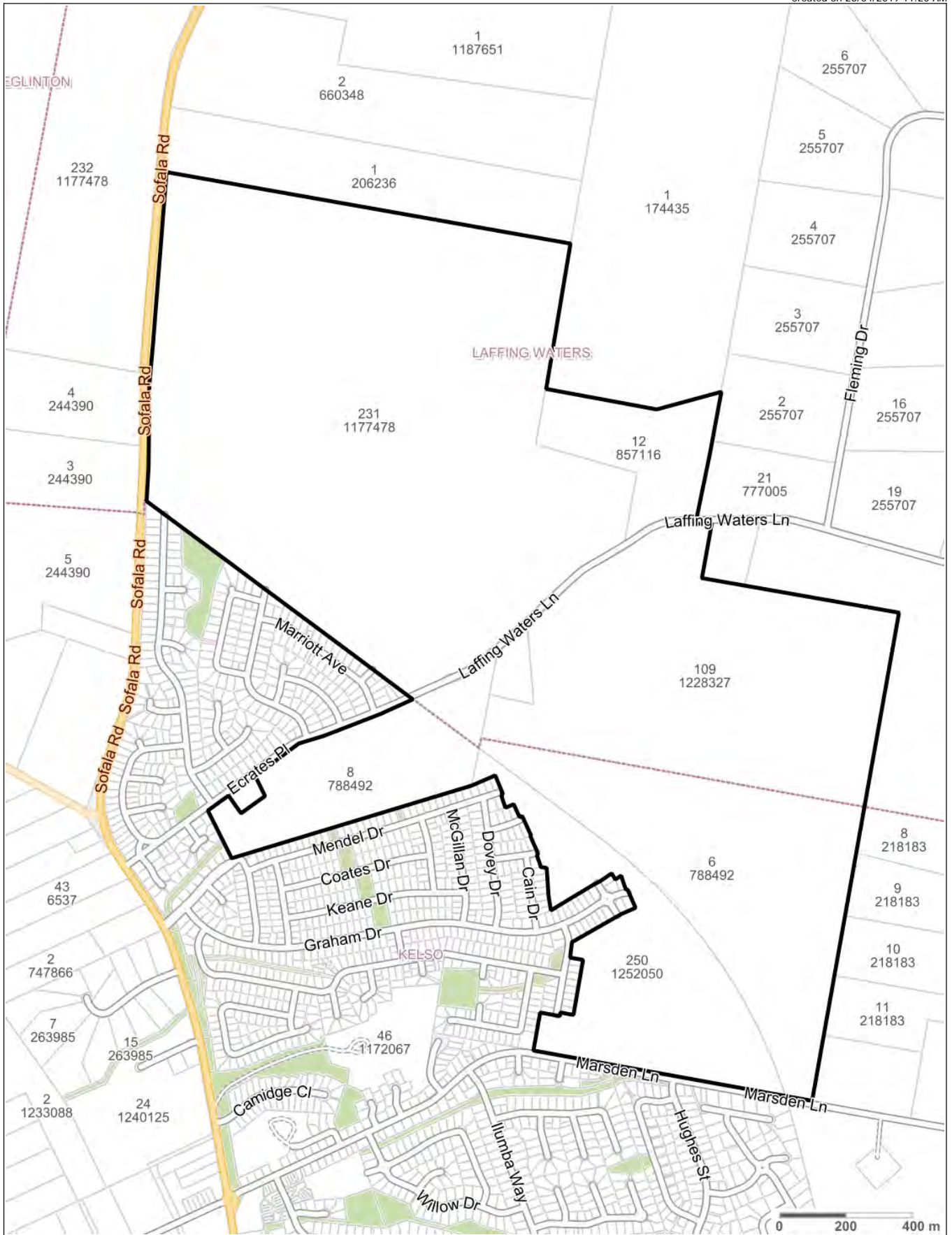
Mr Southorn closed the meeting at 1pm

After Mr Bennett, Mr Lynch and Mr MacMurry left, a discussion was held with Mr Smoother and Ms Knight.

Mr Southorn said the application wasn't a given and this was a step in the process. Expressed concern about the height. A possible condition if it was to be approved would be vegetation to be planted along the boundary. Also requested Mr Smoother and Ms Knight to write in with additional information and details that had been discussed within the meeting to justify the height requested.



**DIRECTOR  
ENVIRONMENTAL, PLANNING & BUILDING SERVICES**



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Drawn By: Nicholas Murphy  
 Date: 26/04/2019  
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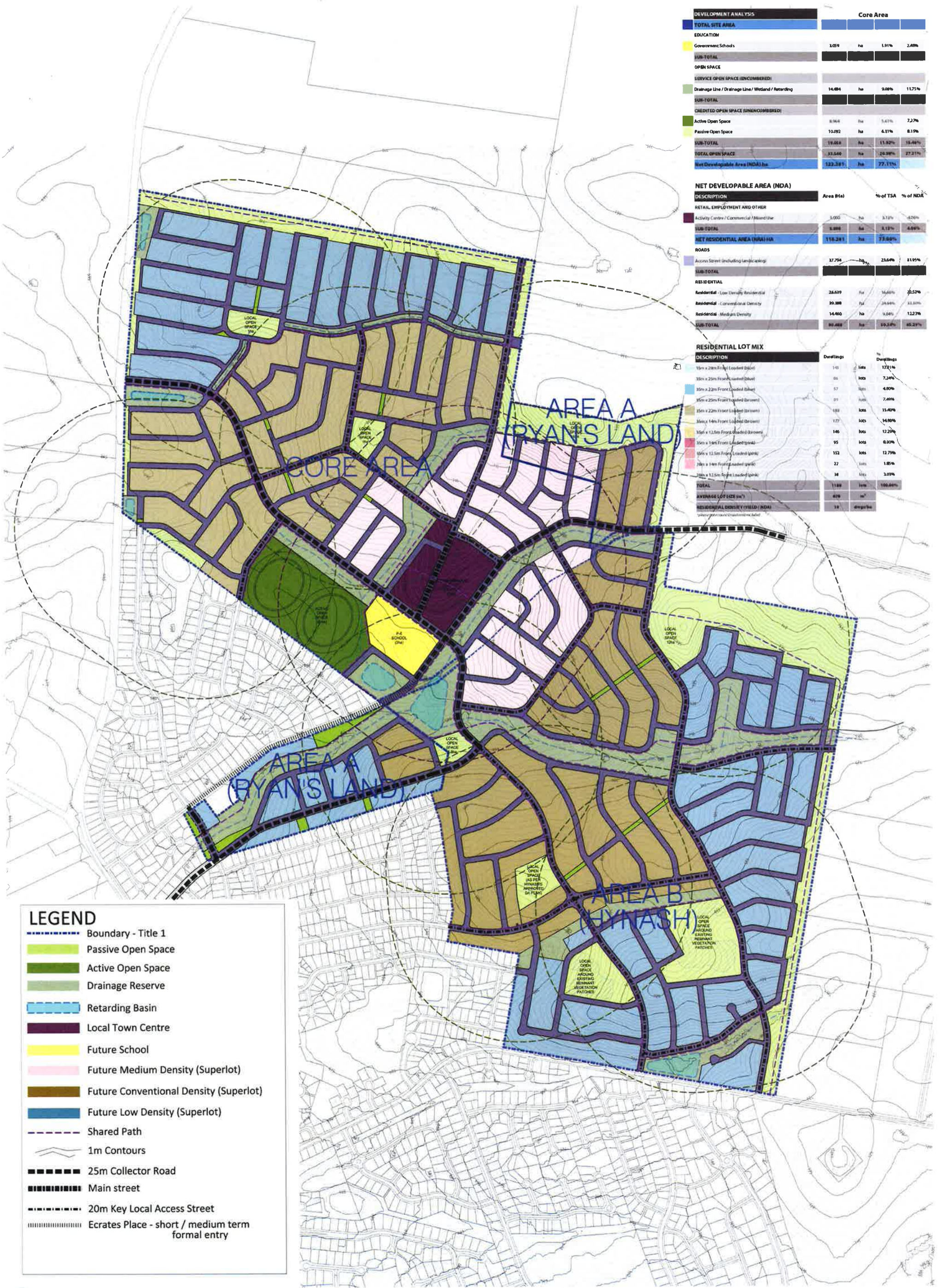
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Drawn By: Nicholas Murphy  
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DEVELOPMENT ANALYSIS		Core Area	
<b>TOTAL SITE AREA</b>			
<b>EDUCATION</b>			
Government Schools	3,059	ha	1.91%
<b>SUB-TOTAL</b>			
<b>OPEN SPACE</b>			
<b>SERVICE OPEN SPACE (UNCOMBINED)</b>			
Drainage Line / Drainage Line / Wetland / Retarding	14,884	ha	9.08%
<b>SUB-TOTAL</b>			
<b>CREDITED OPEN SPACE (UNCOMBINED)</b>			
Active Open Space	8,968	ha	5.61%
Passive Open Space	10,092	ha	6.31%
<b>SUB-TOTAL</b>	19,060	ha	11.92%
<b>TOTAL OPEN SPACE</b>	33,546	ha	20.98%
<b>Net Developable Area (NDA) ha</b>	122,281	ha	77.11%

NET DEVELOPABLE AREA (NDA)		Area (Ha)	% of TSA	% of NDA
<b>DESCRIPTION</b>				
<b>RETAIL, EMPLOYMENT AND OTHER</b>				
Activity Centre / Commercial / Mixed Use	3,000	ha	3.11%	4.26%
<b>SUB-TOTAL</b>	3,000	ha	3.11%	4.26%
<b>NET RESIDENTIAL AREA (NRA) HA</b>	118,281	ha	73.88%	
<b>ROADS</b>				
Access Street (including landscaping)	37,796	ha	23.6%	31.9%
<b>SUB-TOTAL</b>				
<b>RESIDENTIAL</b>				
Residential - Low Density Residential	26,639	ha	16.60%	25.2%
Residential - Conventional Density	30,388	ha	18.99%	31.0%
Residential - Medium Density	14,460	ha	9.04%	12.2%
<b>SUB-TOTAL</b>	91,487	ha	59.34%	85.2%

RESIDENTIAL LOT MIX		Dwellings	%
<b>DESCRIPTION</b>			
15m x 20m Front Loaded (Blue)	145	lots	12.71%
35m x 22m Front Loaded (Blue)	85	lots	7.24%
35m x 22m Front Loaded (Blue)	57	lots	4.80%
35m x 25m Front Loaded (Brown)	81	lots	7.40%
35m x 22m Front Loaded (Brown)	183	lots	15.40%
35m x 14m Front Loaded (Brown)	127	lots	10.80%
35m x 12.5m Front Loaded (Green)	145	lots	12.20%
35m x 14m Front Loaded (Green)	95	lots	8.00%
35m x 11.5m Front Loaded (Green)	152	lots	12.79%
20m x 14m Front Loaded (Green)	27	lots	1.85%
20m x 11.5m Front Loaded (Green)	34	lots	2.93%
<b>TOTAL</b>	1,188	lots	100.00%
<b>AVERAGE LOT SIZE (m<sup>2</sup>)</b>	479	m <sup>2</sup>	
<b>RESIDENTIAL DENSITY (YIELD) (NDA)</b>	10	dwellings/ha	

**LEGEND**

- Boundary - Title 1
- Passive Open Space
- Active Open Space
- Drainage Reserve
- Retarding Basin
- Local Town Centre
- Future School
- Future Medium Density (Superlot)
- Future Conventional Density (Superlot)
- Future Low Density (Superlot)
- Shared Path
- 1m Contours
- 25m Collector Road
- Main street
- 20m Key Local Access Street
- Ecrates Place - short / medium term formal entry





# COMMUNITY CONSULTATION

Bathurst Regional Council – Alec Lamberton Park Master Plan

31 January 2019

# COMMUNITY CONSULTATION

## CONTENTS

KEY FINDINGS.....	3
INTRODUCTION .....	4
BACKGROUND .....	4
APPROACH.....	5
INSIGHTS FROM STAKEHOLDERS .....	6
SURVEY RESULTS.....	10
APPENDIX 1: SURVEY INSTRUMENT .....	20
APPENDIX 2: COMMUNITY CONSULTATION PLAN .....	23
WESTERN RESEARCH INSTITUTE .....	24

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Prepared for Bathurst Regional Council – 30 January, 2019

18029/Bathurst Regional Council – Alec Lamberton Park CC

## ALEC LAMBERTON PARK - BATHURST

### KEY FINDINGS

Community consultation with stakeholders and feedback from a community survey suggest a level of apathy towards Alec Lamberton Park from the community broadly whose preferred vision includes an appealing, multipurpose recreational green space. Within the Football community however there is an eagerness to reclaim Alec Lamberton Park as a much needed home ground.

Broadly, the findings of both the stakeholder consultation and online survey returned similar feedback regarding the future of Alec Lamberton Park. Key themes are presented in the table below.

*'Alec Lamberton Field as a park would be an asset to the White Rock and greater Bathurst, O'Connell and Oberon communities.*

*It would create a community environment for friends and family to meet, exercise, relax and socialise'*

Utilising the park for green space and/or general recreation.

Industrial zoning of the space was commonly opposed.

Using the Park as a showcase entrance to Bathurst.

A designated soccer/football facility.

Space for leisure, dog walking and playgrounds.

Amenities such as covered tables, BBQs and a community clubhouse.

# COMMUNITY CONSULTATION

## INTRODUCTION

Bathurst Regional Council (Council) is undertaking master planning for the future of Alec Lamberton Park (the Park) as part of their broader 2040 Open Space Strategy. In order to inform the Park's master plan, community consultation has been completed by the Western Research Institute (WRI) to understand the potential uses, users and infrastructure requirements for the Park.

This report provides insights gathered from both focus groups and a community survey to present Council with clear and detailed input for the master plan.

## BACKGROUND

Alec Lamberton Park is a 4.632 hectare parcel of land which sits at the intersections of the Kelso Industrial Area, Scots All Saints College and the entrances to White Rock and Blue Ridge residential areas. The site was formerly a football pitch with club house, but is no longer in use and currently in disrepair.

The site is positioned at the entrance to Bathurst from Oberon, a gateway to Bathurst for visitors and tourists along the route taken by British explorers<sup>1</sup> when entering Bathurst.

### Previous community consultation

In 2016 Council proposed rezoning the Park as industrial space. Community consultation at that time returned strong sentiment from the community and stakeholders that the Park should be preserved and improved, Council have subsequently decided to retain the land as open space for community recreation purposes. The following provides a summary of the community feedback collected prior to this study, provided to WRI by Council:

- The future use of the Park has featured in several articles in the Western Advocate between 2014 to 2016. The general community feedback from these articles was that community members were opposed to any usage of the Park other than open space recreational.
- Council received submissions from organisations such as the White Rock Progress Association and community members regarding the rezoning of the Park. Most organisations and community members who contacted Council strongly opposed the rezoning of the Park site to IN1 General Industrial and wished the land to remain as an RE1 Public Recreation zone.
- Local residents were concerned that if rezoned, the green space at the Park would be lost forever, and that rezoning the land to IN1 General Industrial would create an eyesore.
- It was also noted by many submissions that there are large amounts of IN1 General Industrial land already available.
- The Public Hearing held Thursday 18 February 2016 found common concerns that rezoning the Park site as industrial land would produce an unattractive entrance for people entering Bathurst via O'Connell Road, that there is a lack of available green spaces in the area, and that the rezoning would contravene Council's Biodiversity Management Plan, Urban Waterways Management Plan, and Vegetation Management Plan.
- Suggestions from community members for the future use of the Park included community centre, sporting facility, gymnasium, horticultural gardens, recreational parkland, green space buffer, playground.
- A number of interest groups and organisations such as the Bathurst Historic Car Club and the Rural Fire Service expressed interest in using the land.

---

<sup>1</sup> *White Rock: the gateway to Bathurst*, A history of White Rock. White Rock Progress Association, 2015.



## ALEC LAMBERTON PARK - BATHURST

- Regarding the suggested development of a go-kart track at the Alec Lamberton Park site, community members were deeply concerned about the noise and air pollution.
- Request for Quotation (RFQ) documentation stated that Council resolved to retain the current zoning of the Alec Lamberton Park site for open space and public recreation.

### APPROACH

#### Focus groups

Community consultation was undertaken through focus groups with stakeholder groups of the Park, identified by Council, including Council planning and recreation staff, the White Rock Progress Association, the Bathurst District Sport and Recreation Council, Scots All Saints College, environment groups, tourism groups and other community stakeholders.

The focus groups took the approach of asking stakeholders to consider the future vision for the Park in terms of potential users and infrastructure requirements with a view to understanding their preferred vision for the space.

Four stakeholder focus groups were conducted during December 2018 with approximately 37 participants. These included:

- Ten members of the White Rock Progress Association
- Ten sports groups from the Bathurst District Sports and Recreation Council including; motorsports, hockey, croquet, equestrian, AFL, dragon boating, shooting sports and athletics. Representatives of NSW Sports were also in attendance at the meeting.
- Community groups including; NSW Rural Fire Service, Greening Bathurst, Bathurst Tourism Reference Group, Bathurst Historic Car Club, Scots All Saints College.
- Council staff members representing planning, recreation services and corporate communications.

Submissions were also received from representatives of Bathurst's football clubs and an interview conducted with a representative of the Chifley Local Area Command.

#### Community survey

A brief online community survey was also conducted to understand current use of recreational facilities in Bathurst and the primary future use of the Park. The online survey was hosted via Council's YourSay platform.

The online survey was widely promoted through Council's social media channels and print media. Residents and businesses in the White Rock, Blue Ridge and Kelso Industrial precinct and Indigenous stakeholders were invited via direct mail to participate.

#### Reporting of survey results

The online survey returned 27 completed responses. Given the small cohort, these responses are not considered statistically significant, but do provide Council with a snapshot of ideas from within the community for the Park's potential use. The research project identified the focus of the survey would be on the range of responses from key user groups rather than seeking to be a representative survey.

Survey results are reported by age, gender and other relevant demographic factors where particular insights shown in the data are relevant.

## COMMUNITY CONSULTATION

### INSIGHTS FROM STAKEHOLDERS

Reinvigorating the Park as an appealing green space with combined recreation and leisure amenities was common across all stakeholders approached by WRI. Stakeholders were ambivalent towards the proposition of a building leased to a recreational business such as Flip Out, and suggested instead that a building on site should service the community more broadly and complement the green space rather than dominate it.

#### Future vision for Alec Lamberton Park overall

Across all stakeholder groups, maintaining the Park as a green space was a common vision for its future use. More specifically, a green space which combined general leisure and recreation with a community space and sporting facility was favoured across multiple groups.

Overall vision	Specific comments
<b>'A green space needs to be retained, in a flexible way, in case the growth of the city means it could be used again for sports fields'.</b>	A general recreation space for exercise, an off leash dog park, playground and walking trails.
	A space for community events and gatherings or for sports club usage.
	Incorporate the historical and cultural heritage of the space from an indigenous perspective and also as the entrance point of British explorers into Bathurst.
	A dedicated landscaped greenspace creating an appealing entry to both Bathurst and White Rock.
	Use some of the space for dedicated competitive sports (i.e. cricket or soccer)

#### Potential Usage of Alec Lamberton Park

Stakeholders were asked what the Park could be used for, with comments centring around a multipurpose recreational space.

Overall vision	Specific comments
<b>'A multi-use area including an exercise area, playground, off leash dog park and walking trails.'</b>	An amphitheatre for concerts
	Off leash dog park
	Exercise area
	Playground
	BBQ/picnic area with seating and shelter
	Space for camping overflow from motorsport events at Mount Panorama
	Outdoor education for school groups
	Sporting fields, particularly soccer

## ALEC LAMBERTON PARK - BATHURST

### Identified Users

Focus group participants were asked who the potential users of the Park would be, responses are summarised below.

<b>The community</b>	Use of the Park by the community was suggested by all stakeholder groups.
<b>Travellers and tourists</b>	For camping accommodation, particularly for overflow during motor racing events or for recreational vehicle overnight stays. A rest area for travellers.
<b>Families</b>	Families residing in the local suburbs of White Rock and Blue Ridge or families looking for a general recreation space.
<b>Sporting clubs</b>	The historical users of the facility, were also a common response.

### Infrastructure and Design Considerations

Feedback from stakeholders regarding the design and infrastructure needs of the Park are summarised below.

<b>Sporting amenities</b>	Outdoor exercise equipment stations. A particular focus on provision for people living with a disability. An outdoor tennis court. Improving and reinstating the soccer fields to meet competitive standards.
<b>Utilities</b>	Power, water, adequate fencing to prevent vandalism, improved road infrastructure, irrigation, lighting, parking and a helicopter landing pad (for emergency services).
<b>Public amenities</b>	Tables and seating, sheltered spaces, bathroom facilities and improved signage.
<b>Recreation amenities</b>	A second adventure playground
<b>Tourism amenities</b>	A waste disposal point for caravans and motorhomes. Notably, however the White Progress Association were not in favour of this idea.
<b>Community amenities</b>	A renovated or replaced clubhouse or other community building which blends into the environment, doesn't take up all the space or create an eyesore and includes catering facilities.

## COMMUNITY CONSULTATION

### A commercial recreational business

A recreational building on the site was a favourable idea for stakeholders, however preserving green space was considered a primary use of the space. As a Council owned building, stakeholders believed a commercial building with more broader community uses was more appropriate than a purpose built space for a recreation business.

Furthermore, stakeholders envisioned that the building would service a variety of recreational activities suggesting the following:

Roller derby	Indoor rock climbing	Indoor hockey
Concerts/festivals	Bootcamp	Soccer training
Community hall	Indoor soccer	Open to hire arrangements

A common thread among stakeholders was that there are already sufficient empty buildings which could be used for a commercial recreation company such as Flip Out (the former Masters building was suggestion).

### Other considerations

Stakeholders raised the following as considerations or comments Council should be aware of:

Consideration of the future zoning of the nearby rural farm land was considered an important factor in terms of industrial and residential density in the area.	Maintenance and management of the facility was considered an important factor.
Access to the Park and within the Park requires improvement.	Road development in the vicinity of the park was also considered an important factor.

## ALEC LAMBERTON PARK - BATHURST

### Police Feedback

From the perspective of the Chifley Local Area Command, parks and playgrounds have the possibility of impacting on the safety of the surrounding communities and businesses. They noted that the location of the Park is not in a particularly high crime area but that there are some incidences in nearby residential areas. The Chifley Local Area Command made the following specific suggestions for the Park:

- Regular security patrols by council.
- CCTV for the Park, particularly if there is a club house or building.

Chifley Command also made the following general comments regarding the design of recreational spaces:

- Is adequate signage in place (the Park's name clearly displayed)?
- Appropriate speed limits in place.
- Is the site free from potential hiding spaces, and does it have good sight lines to discourage crime?
- Are playgrounds fenced and gated?
- Is there adequate lighting, particularly entry and exit points?
- Is the site gated or fenced?
- Is traffic flow well designed?
- Are toilet amenities lockable?
- Are footpaths clear from obstructions and safe for pedestrians?

### Football Clubs

WRI received submissions from interested Football Clubs regarding reinstating the Park as a competitive Football facility. Neither state or Bathurst district soccer clubs were present at the focus group held with Bathurst District Sports Council, and as such their specific needs were not captured in the stakeholder feedback.

Through submissions and contact with representatives of football clubs operating in Bathurst it appears that there is interest from at least two clubs for reinvigorating the space and returning it to a competitive football facility.

Given the stakeholders preference for any recreational building on the site to be for community or multipurpose use, returning the club house, or any future building onsite to a Football club could meet the vision of stakeholder's while also providing Council with revenue streams through a leasing arrangement.

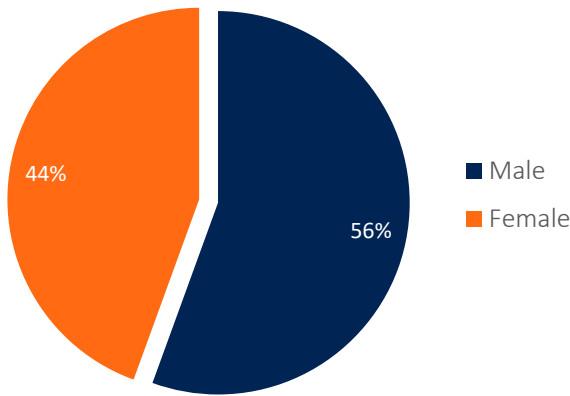
# COMMUNITY CONSULTATION

## SURVEY RESULTS

### Respondent demographics

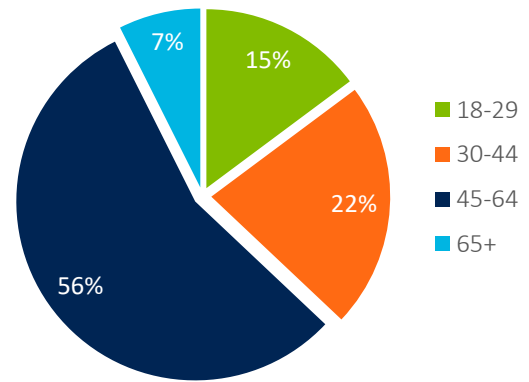
#### Gender

Of the 27 survey respondents, 15 identified as male (56%) and 12 identified as female (44%). The gender balance of survey respondents was slightly over represented by males, compared with 2016 ABS Census Data for Bathurst Local Government Area (LGA).



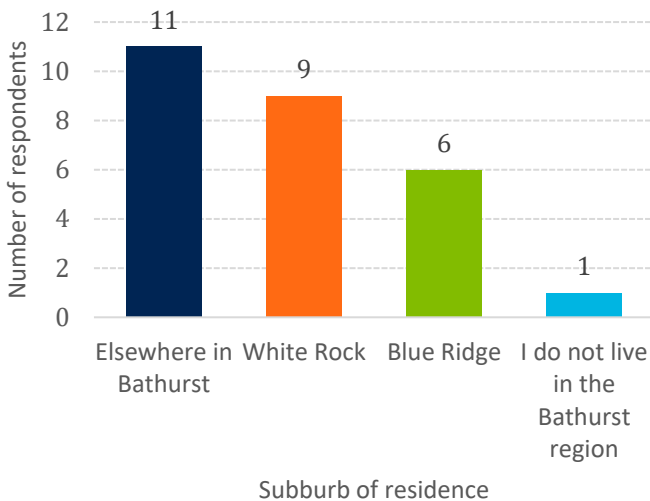
#### Age

The largest group of respondents were in the 45 to 64 age group (15 respondents) followed by the 30 to 44 age group (6 respondents). The spread of respondents by age groups aligns closely with 2016 ABS Census Data for Bathurst LGA, except for those aged over 65, who are underrepresented in this survey.



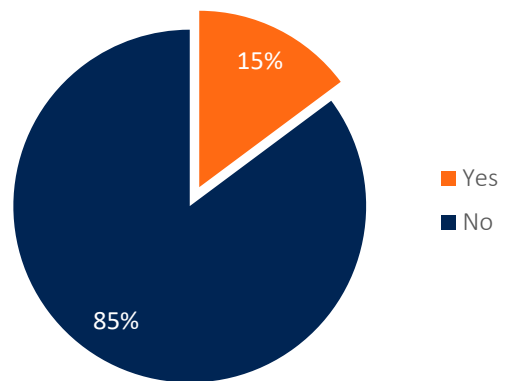
#### Location

Of the 27 respondents, 15 lived in the suburbs closest to Alec Lamberton Park (White Rock, 9 respondents and Blue Ridge, 6 respondents) while 11 respondents lived elsewhere in Bathurst. One respondent did not live in the Bathurst Region.



#### Kelso Industrial precinct representation

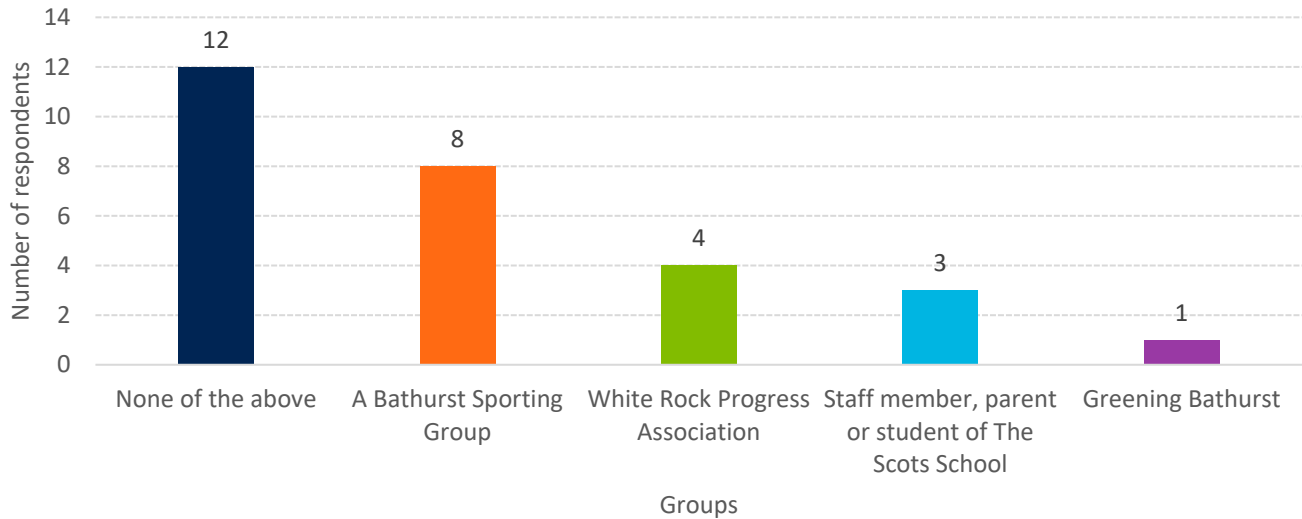
Of the 27 respondents, 4 (15%) indicated they were an owner or business manager in the Kelso Industrial precinct.



## ALEC LAMBERTON PARK - BATHURST

**Community group membership**

Of the 27 respondents, 12 indicated they were *not* a member of an identified stakeholder groups. The graph below illustrates the breakdown of respondents by group membership.



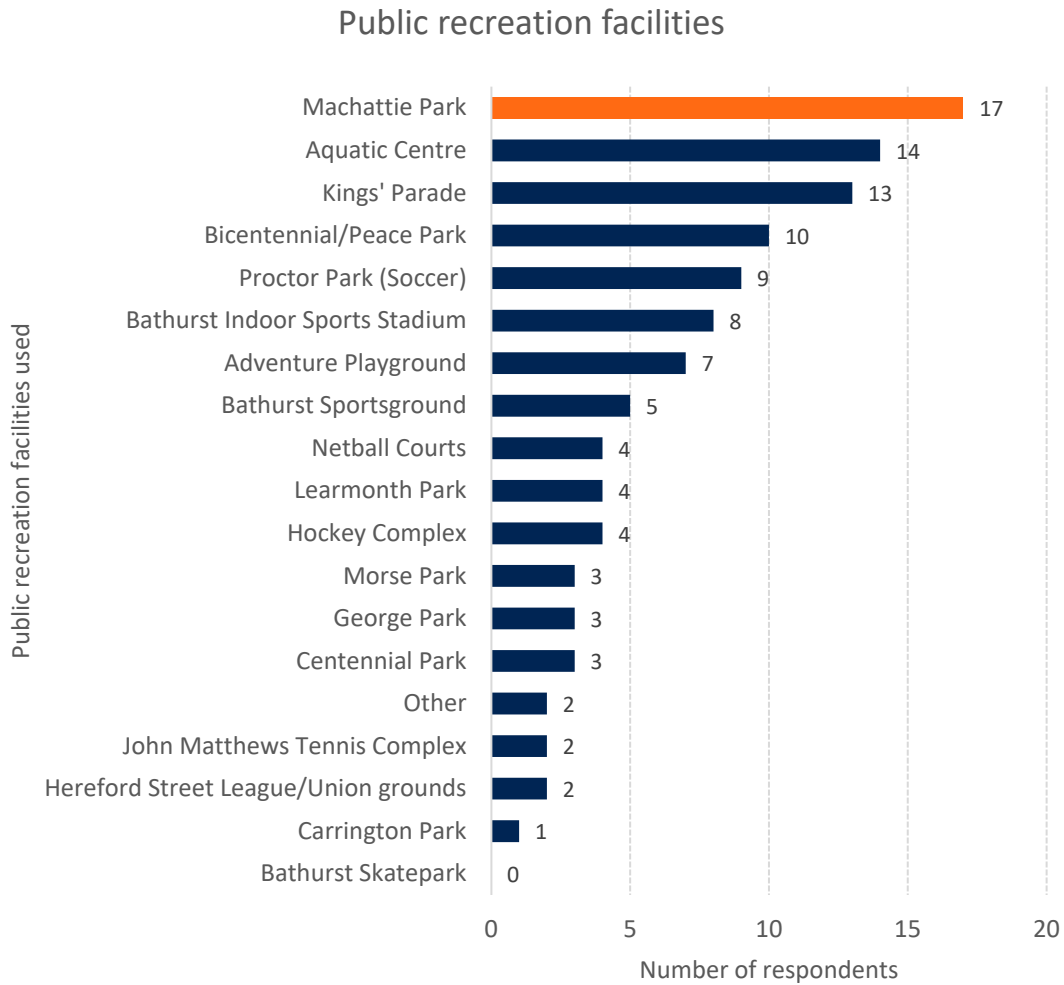
Analysis of survey responses by demographic strata is provided to give context to the analysis of the survey results where relevant. While the spread of age groups is loosely in line with 2016 ABS Census Data for Bathurst LGA, analysis by demographic strata should not be considered statistically significant.

# COMMUNITY CONSULTATION

## Use of public recreation facilities

### Facilities used

Machattie Park was the most commonly used recreational facility, followed by the Bathurst Aquatic Centre and King’s Parade. Respondents were able to select multiple responses to this question.



N=111

General recreation facilities (Machattie Park, King’s Parade and Bicentennial/Peace Park) were three of the four most commonly used facilities, the fourth being the Aquatic Centre. Nine other sporting fields were selected, covering a broad range of sporting recreational uses.

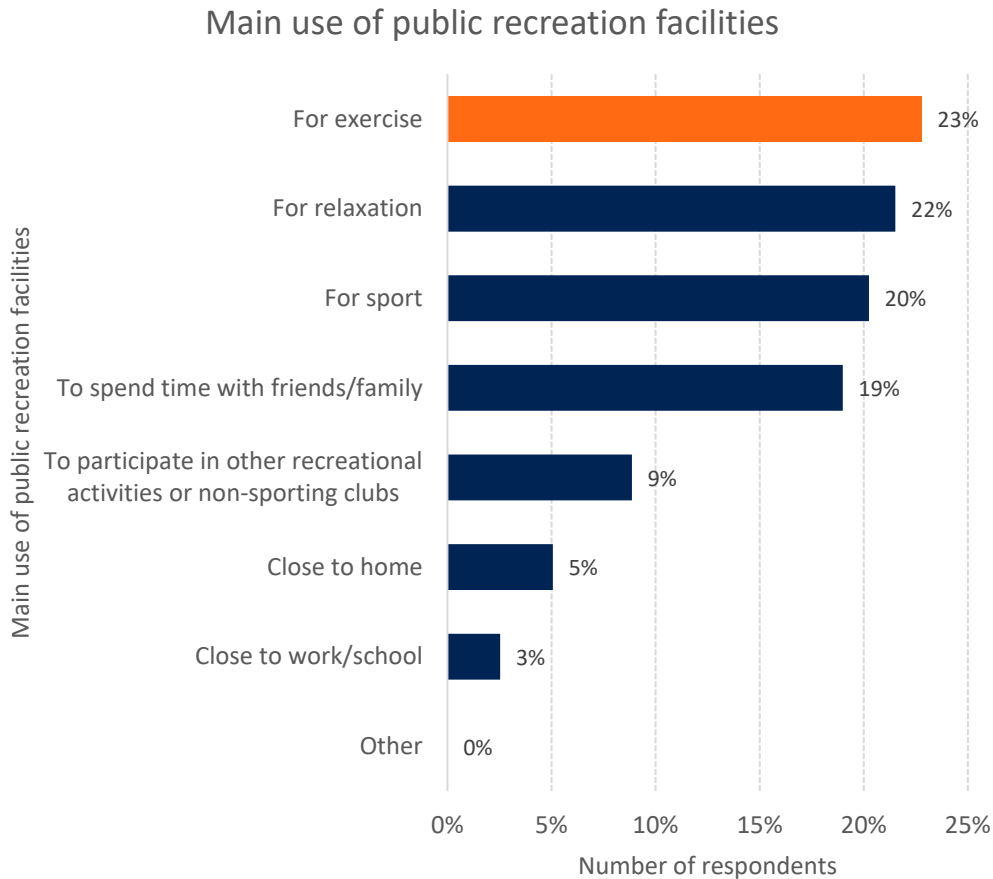
As the Park is not currently in use, Alec Lamberton Park was not an option for respondents to select for this question.



# ALEC LAMBERTON PARK - BATHURST

## Main use of public recreation facilities

The most common use of public recreation facilities stated was exercise (23%), followed closely by relaxation (22%) and for sport (20%). Respondents were able to select multiple responses to this question.



N=79

Proximity to home and to work and/or school was not a common response among the 27 respondents to this survey, 15 of whom live in the White Rock and Blue Ridge suburbs, which are adjacent to the Park. In the 2016 consultation process the Park was identified by residents as one of the only recreational spaces for residents of those suburbs.

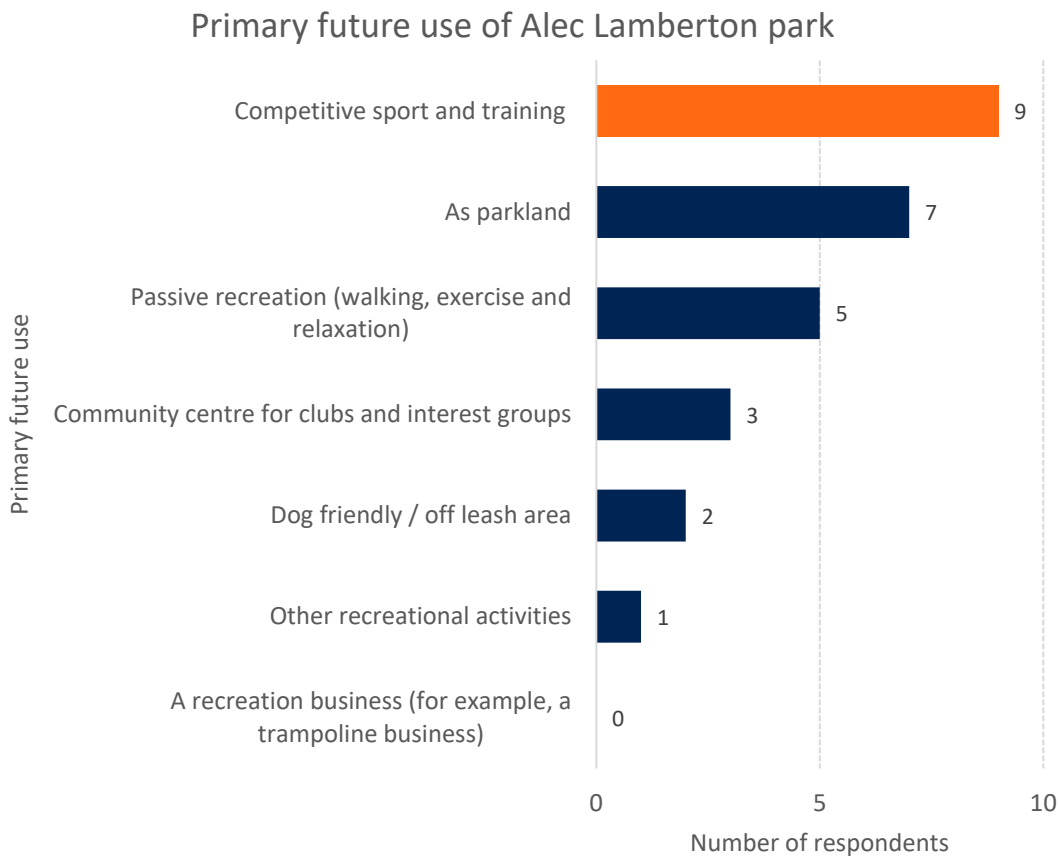
# COMMUNITY CONSULTATION

## Use of Alec Lamberton Park

### Primary use of Alec Lamberton Park

Of the 27 respondents to this survey, 18 respondents selected recreational/leisure activities as the primary future use, including parkland, passive recreation, a community centre, a dog park or other activities. Nine indicated competitive sport and training as the ideal primary use of the Park.

Of note, no respondents selected a commercial recreation business as their preferred primary use of the Park.



N=27

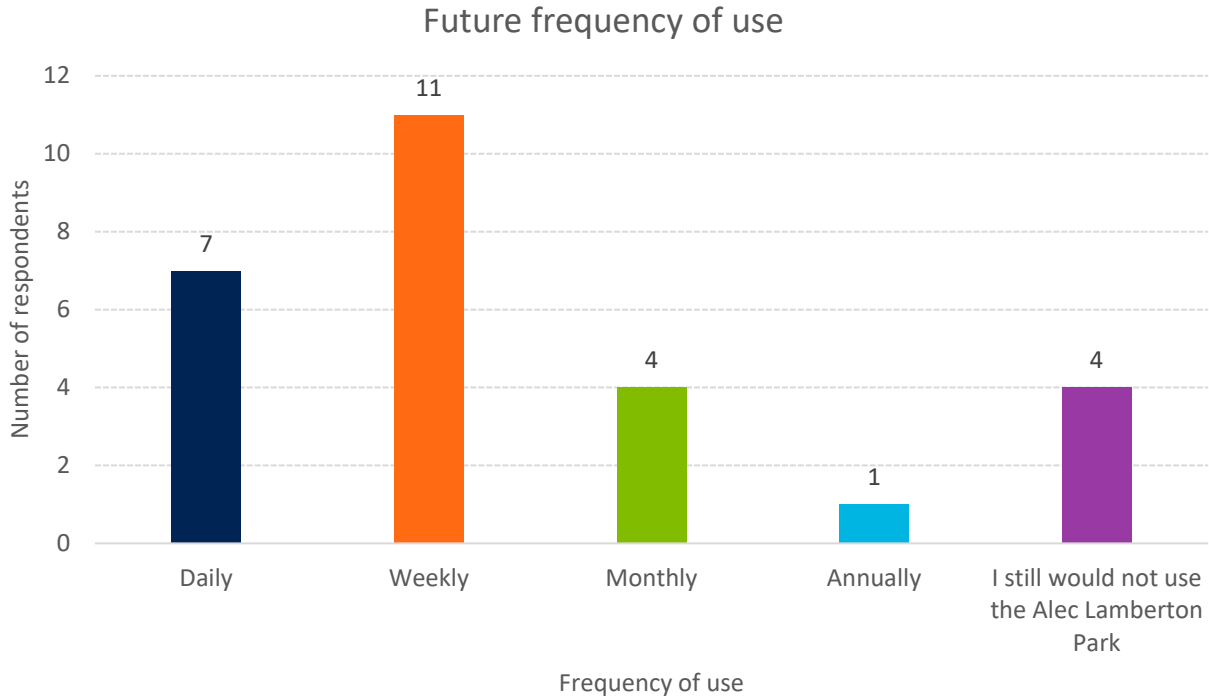
Of the 9 respondents who indicated competitive sport and training, 6 indicated they were members of the same sporting club (Panorama Football Club). A submission was received from the Panorama Football Club for their potential use of the Park which is discussed in the stakeholder analysis on above.

Residents of the White Rock and Blue Ridge suburbs (15 of 27 respondents) were generally more favourable towards passive recreation uses for the Park, than competitive sport. Residents from elsewhere in Bathurst and outside of Bathurst were more favourable towards a competitive sport and training use of the Park.

# ALEC LAMBERTON PARK - BATHURST

## Future use

Of the 27 respondents, 18 indicated they would use Alec Lamberton Park at least weekly. Four respondents indicated they would not use the Park at all, even once redeveloped. A further 5 respondents would use it monthly (4 respondents) or annually (1 respondent).



N=27

Respondents who indicated higher frequency of use were more commonly in the younger age groups (18 to 44), a member of the White Rock Progress Association, a sporting group or had no community group membership.

Respondents who would use Alec Lamberton park less frequently or not at all were more commonly male, in the 45 to 65 age group, and living outside of Bathurst or the White Rock and Blue Ridge suburbs.

## COMMUNITY CONSULTATION

### Other considerations

Respondents were invited to provide further comments regarding the future use and management of Alec Lamberton Park, 19 of the 27 respondents provided detailed thoughts which are summarised below.

Utilising the park for green space and/or general recreation was a common response.

Industrial zoning of the space was commonly opposed.

Using the Park as a showcase entrance to Bathurst was suggested.

A designated soccer/football facility was a common response.

Space for leisure, dog walking and playgrounds was suggested

Amenities such as covered tables, BBQs and a community clubhouse were suggested.

## ALEC LAMBERTON PARK - BATHURST

### Conclusion

Overall, the survey results broadly reflect the feedback provided by stakeholders, which favour a general purpose recreational green space with some respondents eager to return the Park to a competitive football facility. This highlights that there are two schools of thought regarding the future development of the Park in the community.

General community stakeholders and survey respondents are interested in an appealing green space with general recreation and leisure use, which ideally would have many different uses for a wide range of the community. Furthermore an onsite building that provides space for community gatherings was also suggested.

The second school of thought is that the Park would be an ideal home ground for at least two football clubs operating in Central West NSW. One club was particularly motivated to provide WRI with a submission regarding their own vision for the Park within their broader strategic club vision, and also to motivate club members to respond to the community survey (6 of 27 survey respondents).

Given that stakeholders preferred a general purpose community building on the Park site, rather than a recreational building to house a commercial recreational business, reinstating the Park as a competitive soccer facility as well as redeveloping the Park as an appealing green space for Bathurst was the most supported future use of the Park.

## COMMUNITY CONSULTATION

### Aligning consultation feedback with the Bathurst 2040 Open Space Strategy

Council have provided preliminary comments regarding the Park from the Strategy, feedback has been collated in line with these comments as follows:

#### ***Focusing on provision of a multi-user rectangular sports field, a half size junior field for club and community use.***

A multi-user recreation space with an indoor recreation building for community use was a strongly preferred use of the Park across all stakeholders. Returning the Park to a multi-user sports field was supported by stakeholders, with representatives from the football community seeking a home ground strongly favouring this idea.

#### ***Upgrading the clubhouse and amenities building to allow for sporting use and program/meeting space for sports groups and other users.***

A club house which could support community groups and a range of users was widely supported by stakeholders. A renovated or replaced clubhouse or other community building which blends into the environment, doesn't take up all the space or create an eyesore and includes catering facilities was commonly suggested.

#### ***Adding additional active recreation elements such as an outdoor fitness space/gym.***

Active recreational elements such as a gym were suggested, with a particular interest in providing facilities for people living with a disability. Other recreational elements suggested included walking tracks, playgrounds and an off leash dog park were common suggestions.

#### ***Incorporate information recreation elements with some shaded seats and tables and provision of water.***

The need for improved public amenities was a common thread among stakeholders who suggested shaded seating and tables, BBQ amenities, toilet amenities. Other recommended infrastructure requirements included: power, water, adequate fencing to prevent vandalism, improved road infrastructure, irrigation, lighting, parking and a helicopter landing pad (for emergency services).

#### ***Consider opportunities for enhancing natural vegetation and landscape corridor linkage to vegetated and corridor to the east.***

## ALEC LAMBERTON PARK - BATHURST

Creating an appealing green space as an entrance to Bathurst was a strong preference among stakeholders. Residents of the local area in particular expressed a vision for a dedicated landscaped green space.

**Include cycle/ active transport links to the Great Western Highway.**

Active links to the Great Western Highway were not specifically suggested by stakeholders however cycle ways and walk ways within the Park and with links to the nearby residential areas, school and industrial areas were suggested.

# COMMUNITY CONSULTATION

## APPENDIX 1: SURVEY INSTRUMENT

### Online survey

The online survey will run through Council's Your Say platform to obtain feedback from the wider Bathurst community. The following the survey made available for community members to provide input on the future use and development of Alec Lamberton Park.

### Survey Introduction

Bathurst Regional Council is seeking community feedback to inform the Alec Lamberton Park master plan. Following previous community consultation, Council has decided to retain Alec Lamberton Park as open space used for community recreational activities. To assist Council's planning for the future use of Alec Lamberton Park, please take 5 minutes to complete the following survey. Your input is appreciated.

#### 1) What is your gender? (Question type: RadioButton)

Male

Female

#### 2) What is your age range? (Question type: RadioButton)

17 and under

18-29

30-44

45-64

65+

#### 3) Are you a business owner or manager in the Kelso industrial area? (Question type: RadioButton)

Yes

No

#### 4) Are you a member of any of the following groups (choose all that apply) (Question type: CheckBox)

White Rock Progress Association

Staff member, parent or student of The Scots School

Greening Bathurst

Bathurst Community Climate Action Network

Bathurst District Historical Society

Bathurst Crime Prevention Group

Bathurst Youth Council

Bathurst Branch of the National Trust

A Bathurst Sporting Group

None of the above

Other

#### 7) Where in the Bathurst Local Government Area (LGA) do you live? (Question type: RadioButton)

White Rock

Blue Ridge



## ALEC LAMBERTON PARK - BATHURST

Kelso  
 Elsewhere in Bathurst  
 I do not live in the Bathurst region

**8) Do you currently utilise any public recreation spaces, parks or sporting grounds? (Question type: Radio**

Yes

No

**9) Which public recreation facilities do you use? (Question type: CheckBox)**

Aquatic Centre  
 Adventure Playground  
 Bathurst Indoor Sports Stadium  
 Bathurst Skatepark  
 Bathurst Sportsground  
 Bicentennial/Peace Park  
 Carrington Park  
 Centennial Park  
 George Park  
 Hereford Street League/Union grounds  
 Hockey Complex  
 John Matthews Tennis Complex  
 Kings' Parade  
 Learmonth Park  
 Machattie Park  
 Morse Park  
 Netball Courts  
 Proctor Park (Soccer)  
 Bathurst Indoor Sports Stadium  
 Other

**11) What are the main reasons you use these facilities? (Question type: CheckBox)**

For sport  
 Close to home  
 For exercise  
 Close to work/school  
 For relaxation  
 To spend time with friends/family  
 To participate in other recreational activities or non-sporting clubs  
 Other

**13) What do you believe should be the primary future use of Alec Lamberton Park? (Question type: RadioE**

Competitive sport and training  
 A recreation business (for example, a trampoline business)  
 Community centre for clubs and interest groups  
 Passive recreation (walking, exercise and relaxation)  
 As parkland  
 Dog friendly / off leash area

## COMMUNITY CONSULTATION

Other recreational activities

**15) Considering your primary use identified in the previous question, how often would you use Alec Lamberton Park?**

Daily

Weekly

Monthly

Annually

I still would not use the Alec Lamberton Park

ALEC LAMBERTON PARK - BATHURST

APPENDIX 2: COMMUNITY CONSULTATION PLAN

## COMMUNITY CONSULTATION

### WESTERN RESEARCH INSTITUTE

WRI is a regional development research organisation located in Bathurst, New South Wales. WRI holds a wealth of knowledge on employment, business development and investment issues affecting regional Australia. It has worked with Commonwealth, State and Local Governments and industry groups on numerous investment and development programs in regional areas. WRI has strong credentials in business and commercial market consulting and applied economic modelling including input-output analysis, shift-share, agribusiness and regional socio-economic surveys and analysis

#### **Ms Kathy Woolley – Chief Executive Officer**

GAICD, IIA, Change Management Qualification (AGSM), Public Participation Certification (IAP2) BComm (Economics- with merit) (UWO), CertIV Training and Assessment.

Kathy joined the WRI team in February 2018 having previously worked on a variety of boards and in senior management roles across sectors including media, health, education, regional development, government, event management, research and sales.

For a number of years Kathy also ran a consultancy specialising in services for not for profit entities, focusing on best practice techniques in management and governance.

With formal qualifications in change management, company directorship, community engagement, economics and training, and well developed skills in human resources, information technology, finance and economic development, Kathy offers a unique skill set to assist with most business needs.

This is the second time Kathy has worked for WRI, previously fulfilling the role of Business Development Manager. A position as a research officer for a similar organisation in the Illawarra rounds off the experience in economic modelling and research.

#### **Mr Alistair Maclennan – Senior Research Consultant**

BA Political Economy, First Class Honours (UNE)  
Having served in a variety of parliamentary, public service and private sector roles, Alistair brings a wealth of research experience to WRI. Alistair has well developed skills in data analysis, economics and business, and has a wide understanding of government. In addition, Alistair also has experience in policy development in the energy sector, where he engaged with industry, government agencies and NGOs to inform policy. Alistair's experience in engaging with

clients, stakeholders and the public assists WRI to fully understand its client's needs and provide tailored research.

#### **Mr Chris Mullen – Research Officer**

BEcon UNE

Chris is an Economics graduate from the University of New England currently undertaking a Master of Economics course. Throughout his degree, Chris has gained skills in benefit-cost analysis, business statistics and economic modelling. Chris has a great interest and passion for macro and microeconomics, policy analysis, and development economics.

Having grown up on a property on the mid-north coast, Chris has a strong understanding of life in regional Australia and the issues rural communities face.

#### **Ms Dale Curran – Executive Officer**

BA ANU

Dale is responsible for all administrative processes at WRI including executive support, finance, and management of the Board of Directors and maintenance of policies. She has worked in a variety of roles at WRI, including Fieldwork Supervisor and Research Assistant, and has worked on several community and business surveys. Dale brings a high level of organisational skill to her role as Executive Officer.

#### **Ms Heather Waters - Administration Officer**

Heather joined in October 2018 and brings strong skills in customer service from her experience working in the retail industry. Heather is passionate about building strong rural communities

## Alec Lamberton Park Consultation Plan

### INTRODUCTION

Bathurst Regional Council is seeking to engage with the community to inform the development of a master plan for the Alec Lamberton Park. WRI has developed a consultation plan that aligns with Council's Community Consultation Engagement Strategy including the Strategy's commitment to the International Association of Public Participation consultation spectrum principles of:

- Inform
- Consult
- Involve
- Collaborate
- Empower

The following consultation plan provides details around the consultation activities to be undertaken for the Alec Lamberton Park master plan. The following consultation elements are outlined as part of the consultation plan:

- Previous community feedback
- Stakeholder interviews
- Online survey
- Media releases
- Project timeframe

The consultation plan aims to deliver clear and detailed input from key local organisations and community members to advise the Alec Lamberton Park master plan. An analysis of survey responses and input obtained during interviews will be undertaken to deliver clear, concise feedback.

## Alec Lamberton Park Consultation Plan

### PREVIOUS COMMUNITY FEEDBACK

Council has previously received feedback from Bathurst organisations and community members regarding the future use of Alec Lamberton Park. From this feedback, the following summary details the main points:

- The future use of Alec Lamberton Park has featured in several articles in the Western Advocate between 2014 to 2016. The general community feedback from these articles was that community members were opposed to any usage of Alec Lamberton Park other than open space recreational.
- Council received submissions from organisations such as the White Rock Progress Association and community members regarding the rezoning of Alec Lamberton Park. Most organisations and community members who contacted Council strongly opposed the rezoning of the Alec Lamberton Park site to IN1 General Industrial and wished the land to remain as an RE1 Public Recreation zone.
- Local residents were concerned that if rezoned, the green space at Alec Lamberton Park would be lost forever, and that rezoning the land to IN1 General Industrial would create an eyesore.
- It was also noted by many submissions that there are large amounts of IN1 General Industrial land already available.
- The Public Hearing held Thursday 18 February 2016 found common concerns that rezoning the Alec Lamberton Park site as industrial land would produce an unattractive entrance for people entering Bathurst via O'Connell Road, that there is a lack of available green spaces in the area, and that the rezoning would contravene Council's Biodiversity Management Plan, Urban Waterways Management Plan, and Vegetation Management Plan.
- Suggestions from community members for the future use of Alec Lamberton Park included community centre, sporting facility, gymnasium, horticultural gardens, recreational parkland, green space buffer, playground.
- A number of interest groups and organisations such as the Bathurst Historic Car Club and the Rural Fire Service are interested in using the land.
- Regarding the suggested development of a go-kart track at the Alec Lamberton Park site, community members were deeply concerned about the noise and air pollution.
- Request for Quotation (RFQ) documentation stated that Council resolved to retain the current zoning of the Alec Lamberton Park site for open space and public recreation.

## Alec Lamberton Park Consultation Plan

### STAKEHOLDER INTERVIEWS

WRI proposes to facilitate group interviews with Councillors, Council staff and key community stakeholders with invitees defined in consultation with Council staff and undertake a phone interview with the police and 4 other key stakeholders as identified by Council. Key stakeholders include:

- Council staff
- The White Rock Progress Association
- The Bathurst Sports Council
- Greening Bathurst
- Bathurst Natural Resource Advisory Group
- Bathurst Police
- Scots School Bathurst
- Bathurst Historic Car Club
- Rural Fire Service
- Tourism Reference Group

The aim is to interact with those who will provide the most useful feedback for Council's consideration to develop the Alec Lamberton Park master plan.

A thematic analysis of interview feedback will be undertaken and the main themes provided in the final report. These themes will provide input into the development of Council's vision in the Alec Lamberton Park Masterplan.

### Interview Guidelines

Interviews with key community stakeholders will be conducted in-line with the following guideline:

<b>Introduction</b>	<ul style="list-style-type: none"> <li>• The Alec Lamberton Park is located between the Kelso Industrial Area and The Scots School and is situated near the White Rock and Blue Ridge rural residential communities. Historically the park has been used for sporting activities and contains a former clubhouse which requires repair works.</li> <li>• Currently, the site is unused and Council has decided to retain the land as open space for community recreation purposes following feedback from previous community consultation. Council is seeking input from key community stakeholders to inform the development of a master plan for the future use of Alec Lamberton Park.</li> <li>• WRI has been engaged to undertake interviews with key community stakeholders and run a community survey to understand community views and issues associated with the redevelopment of Alec Lamberton Park.</li> </ul>
<b>Key questions</b>	<ul style="list-style-type: none"> <li>• What is your vision for the future use of Alec Lamberton Park?</li> <li>• Who would be the primary users or benefactors of Alec Lamberton Park?</li> </ul>

## Alec Lamberton Park Consultation Plan

- What should Alec Lamberton Park be used for? (open-ended)
- What are the design or infrastructure requirements for the development of Alec Lamberton Park?
- A potential future use of Alec Lamberton Park could be for a recreation business, including inside a building e.g. leased to an outdoor gym company, such as Flipout, indoor rock climbing, or something similar. What is your opinion of this as an option for the site?
- Are there any other considerations, comments or input Council should be aware of when developing the master plan for Alec Lamberton Park?

### ONLINE SURVEY

The online survey will run through Council's Your Say platform to obtain feedback from the wider Bathurst community. The following is a draft of the proposed survey to be made available for community members to provide input on the future use and development of Alec Lamberton Park.

WRI recommends Council undertake a mail merge of residents and businesses in White Rock and Blue Ridge to promote the survey to residents. Text for this has been provided in the Appendix to this document.

The online survey questions used for this consultation are provided in Appendix 1 of this report.

### Survey sample

Council feedback has advised that the aim of the project is to deliver insights from interested community members, rather than a representative sample of the Bathurst Regional Council area. On this basis, WRI has not developed a survey sample and response targets for any given community cohort. Our analysis will consider the profile of respondents and report on their characteristics if elements in the survey instrument Council approves enables this analysis.



## Alec Lamberton Park Consultation Plan

### MEDIA ENGAGEMENT

WRI has prepared text for media releases to be issued at the commencement of the online survey and again mid-way through the public consultation period below.

#### Social media

WRI proposes the utilisation of social media to aid engagement for the community survey, including Council's Facebook page, Council's website and other tools as required (e.g. Twitter, direct email, newsletters). WRI recommends utilising social messaging throughout the survey period to generate the greatest survey response.

A draft of the message to promote the survey through social media is provided below:

*Bathurst Regional Council is conducting a public survey on the future use and management of Alec Lamberton Park as an open space area for public recreation. The survey will be open until 18 January 2019. Visit Council's Your Say website at <https://yoursay.bathurst.nsw.gov.au/>.*

#### Media release

WRI recommends that the first media release is to be issued by Bathurst Regional Council at the commencement of the online survey and again throughout the survey period:

*Bathurst Regional Council is seeking community input for the future use and management of Alec Lamberton Park as an open space area for public recreation.*

*The park is located between the Scots School and the Kelso industrial area and is near to the wider White Rock and Blue Ridge rural residential communities.*

*Council is conducting an online survey to give Bathurst community members the opportunity provide feedback to inform the master plan for Alec Lamberton Park.*

*The survey will open to public feedback until 18 January 2019 at Council's Your Say website at <https://yoursay.bathurst.nsw.gov.au/>.*

#### Council notices

Notice of the consultation will also be included in the Council Notices section of the Western Advocate on Saturday and Bathurst City Life.

## Alec Lamberton Park Consultation Plan

## PROJECT TIMEFRAME

This consultation plan covers a range of activities between November 2018 until March 2019. The online survey will run from 3 December until 18 January. Most of the interviews are expected to take place in November-December 2018 with an interview scheduled for the Councillors Working Party in February 2019.

### Survey timeframe

Alec Lamberton Park Consultation Timeframe	Start Date	Finish Date
Council to provide survey feedback	23-Nov-18	26-Nov-18
Survey uploaded online	27-Nov-18	30-Nov-18
Online survey live and begin media promotion of it	3-Dec-18	18-Jan-19

Noting the difficulties in engaging with the community over the Christmas period, should Council wish, WRI can extend the online survey period by up to two weeks. In this case, subsequent project timeframes would be impacted.

### Interview stakeholders and timeframe

Who	Where	How	When
Councillors Working Party	Council chambers	Group meeting	13 February 2019
Council staff	Council chambers	Group meeting	23 November 2018
Group 1 <ul style="list-style-type: none"> <li>White Rock Progress Association</li> <li>Scots School</li> <li>Rural Fire Service</li> <li>Historic Car Club</li> </ul>	White Rock Hall	Group meeting	Week 3*
Group 2 <ul style="list-style-type: none"> <li>Bathurst Sports Council</li> <li>Other sporting associations</li> </ul>	Sports Council meeting	Group meeting	10 December 2018* (2 <sup>nd</sup> Monday of each month)
Group 3 <ul style="list-style-type: none"> <li>Greening Bathurst</li> <li>Bathurst Natural Resource Advisory Group</li> <li>Tourism Reference Group</li> </ul>	Council chambers	Group meeting	Week 3*
Bathurst Police / Crime Prevention	Phone interview	One-on-one	Week 3*

\*Group meeting dates to be confirmed with stakeholders once availability is established.

## Alec Lamberton Park Consultation Plan

## APPENDIX A: TEXT FOR MAIL MERGE

WRI has prepared text for letters to be delivered to business in the nearby Kelso industrial area and residents of the White Rock and Blue Ridge communities inviting them to participate in the online survey below.

### Letter to residents

To the Resident

Bathurst Regional Council is seeking feedback from local community members for the future use and management of Alec Lamberton Park as an open space area for public recreation.

The park is located between the Scots School and the Kelso industrial area and is near to the wider White Rock and Blue Ridge rural residential communities.

Council is conducting an online survey to give community members the opportunity to provide feedback to inform the master plan for Alec Lamberton Park.

If you would like to provide Council with input into the future use of Alec Lamberton Park, please fill out a short survey at Council's Your Say website at <https://yoursay.bathurst.nsw.gov.au/>.

### Letter to businesses

To the Business owner

Bathurst Regional Council is seeking feedback from local business owners or managers for the future use and management of Alec Lamberton Park as an open space area for public recreation.

The park is located between the Scots School and the Kelso industrial area and is near to the wider White Rock and Blue Ridge rural residential communities.

Council is conducting an online survey to give Bathurst businesses the opportunity to provide feedback to inform the master plan for Alec Lamberton Park.

If you would like to provide Council with input into the future use of Alec Lamberton Park, please fill out a short survey at Council's Your Say website at <https://yoursay.bathurst.nsw.gov.au/>.

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT -  
ATTACHMENTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

**BATHURST REGIONAL COUNCIL  
INVESTMENT PERFORMANCE**

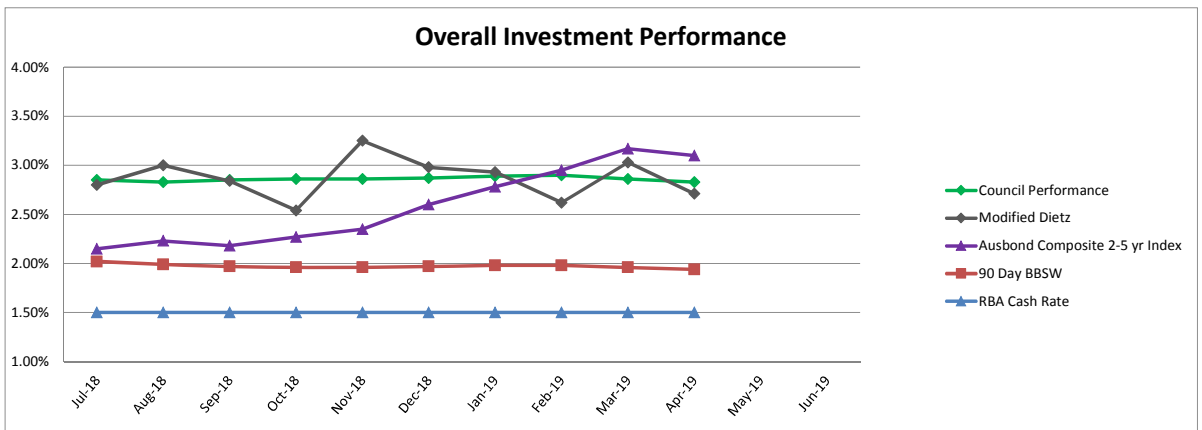
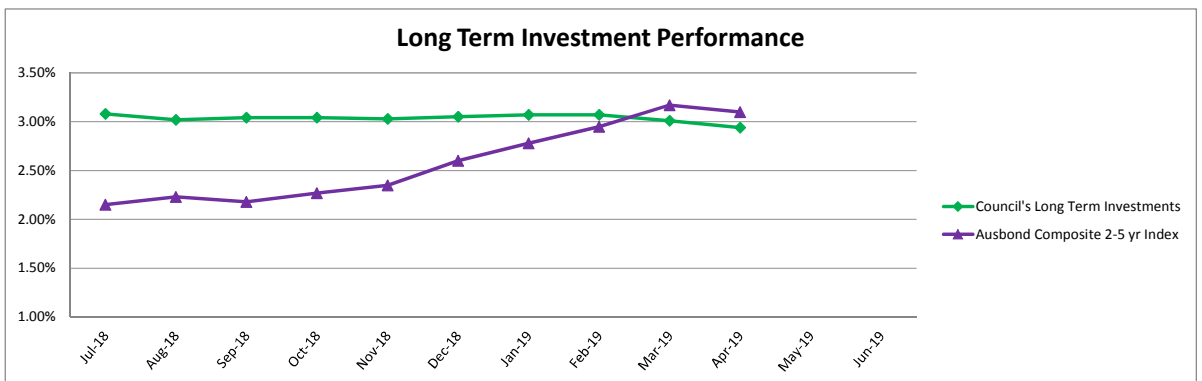
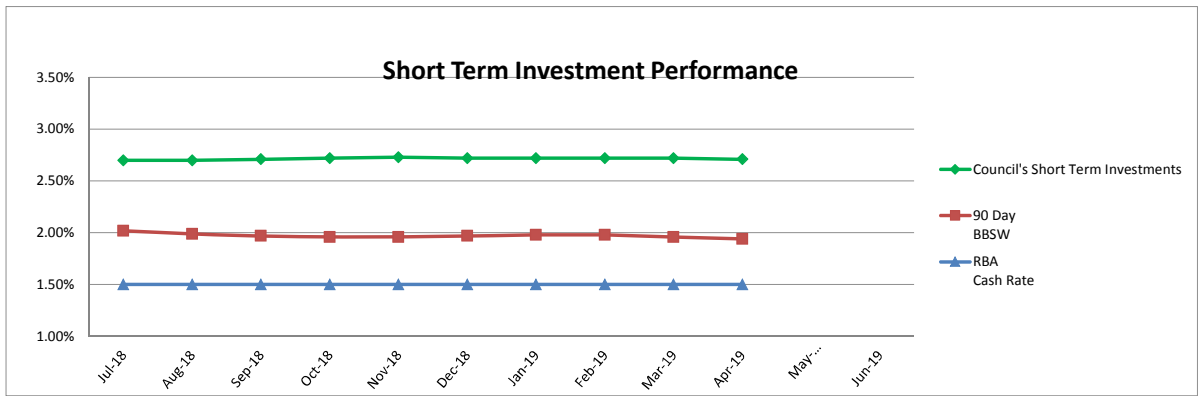
**Investment Policy Benchmarks**

**Benchmark 1 - The performance of the portfolio shall be against the industry standard 90 Day Bank Bill Index or the official RBA Cash Rate**

Council's current year to date performance compared to the two benchmarks is shown below. Council has outperformed both benchmarks.

Reserve Bank of Australia - Cash Rate	1.50%
AFMA - 90 Day Bank Bill Swap Rate (BBSW) Avg Mid	1.94%
Ausbond Composite 2-5 yr Index	3.10%
Modified Dietz Calculation	2.71%

	Short Term			Long Term		Overall Performance	
	RBA Cash Rate	90 Day BBSW	Council's Short Term Investments	Ausbond Composite 2-5 yr Index	Council's Long Term Investments	Modified Dietz Calculation	Council Performance
Jul-18	1.50%	2.02%	2.70%	2.15%	3.08%	2.80%	2.85%
Aug-18	1.50%	1.99%	2.70%	2.23%	3.02%	3.00%	2.83%
Sep-18	1.50%	1.97%	2.71%	2.18%	3.04%	2.84%	2.85%
Oct-18	1.50%	1.96%	2.72%	2.27%	3.04%	2.54%	2.86%
Nov-18	1.50%	1.96%	2.73%	2.35%	3.03%	3.25%	2.86%
Dec-18	1.50%	1.97%	2.72%	2.60%	3.05%	2.98%	2.87%
Jan-19	1.50%	1.98%	2.72%	2.78%	3.07%	2.93%	2.89%
Feb-19	1.50%	1.98%	2.72%	2.95%	3.07%	2.62%	2.90%
Mar-19	1.50%	1.96%	2.72%	3.17%	3.01%	3.03%	2.86%
Apr-19	1.50%	1.94%	2.71%	3.10%	2.94%	2.71%	2.83%
May-19							
Jun-19							



**BATHURST REGIONAL COUNCIL  
INVESTMENT PERFORMANCE**

**2a - Overall Portfolio Credit Framework**

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating. Council will work towards adjusting its Investments to meet the new Investment Policy criteria following the ratings downgrade of several institutions which occurred part way through the existing investments shown below. Council will reinvest into a complying rated institution at the maturity of these investments.

Short Term	Ratings	Maximum Holding %	Actual Holding %	
	A-1+	100	67%	Complies
	A-1	100	0%	Complies
	A-2	40	21%	Complies
	A-3 or unrated	Note*	12%	Complies
			<b>100%</b>	
Long Term	Ratings	Maximum Holding %	Actual Holding %	
	AAA	100	0%	Complies
	AA+ AA AA- A+ A	100	51%	Complies
	A-	40	14%	Complies
	BBB+ BBB	20	30%	Does not comply
	BBB- & unrated	Note *	5%	Complies
			<b>100%</b>	

\*Note: For reasons of practicality the number of these investments should be kept to a minimum.

**2b - Institutional Credit Framework**

To limit single entity exposure each individual institution will be limited by their credit rating, Council will work towards adjusting its Investments to meet the new Investment Policy criteria. Council will reinvest into a complying rated institution at the maturity of these investments.

	Ratings	Maximum Holding %	Actual Holding %	
CBA	AA-	40	17%	Complies
National Australia Bank Limited	AA-	40	19%	Complies
Westpac	AA-	40	13%	Complies
Bankwest	AA-	30	6%	Complies
Suncorp Metway	A+	30	1%	Complies
Rabobank	A+	30	1%	Complies
Macquarie Bank Limited	A	30	1%	Complies
AMP	A-	20	7%	Complies
Bank of Queensland Limited	BBB+	5	11%	Does not comply
Bendigo & Adelaide	BBB+	5	5%	Complies
IMB	BBB	5	0%	Complies
Newcastle Permanent	BBB	5	3%	Complies
Members Equity Bank	BBB	5	1%	Complies
Greater Building Society	BBB	5	4%	Complies
Credit Union Australia	BBB	5	0%	Complies
Auswide Bank	BBB	5	2%	Complies
Railways Credit Union Limited	ADI	Note*	0%	Complies
Maritime Mining & Power Credit Union	ADI	Note*	9%	Complies
			<b>100%</b>	

\*Note: For reasons of practicality the number of these investments should be kept to a minimum.

\*Credit rating to Auswide Bank issued by Fitch Ratings, equivalent Rating by S & P shown

**2c - Maturity Profile**

The Investment Portfolio is to be invested within the following maturity constraints, Council has successfully met this criteria.

	Short Term	FRTD	TCD	FRN	Min %	Max %	Actual %	
Within one year	36,000,000	1,500,000	2,000,000	6,800,000	40	100	65%	Complies
One to three years	0	9,500,000	2,000,000	9,850,000	0	60	30%	Complies
Three to Five Years	0	1,500,000	0	500,000	0	30	3%	Complies
Over Five Years	0	1,630,000	0	0	0	15	2%	Complies
	<b>36,000,000</b>	<b>14,130,000</b>	<b>4,000,000</b>	<b>17,150,000</b>			<b>100%</b>	

Recommendation: That the report be noted.

**Responsible Accounting Officer**

.....  
Aaron Jones  
Director Corporate Services & Finance

.....  
Prepared By Lesley Guy

2-May-19

.....  
Reviewed By Tony Burgoyne

# 2018/19 Annual Operational Plan

## Bathurst 2040 Community Strategic Plan

As at 30<sup>th</sup> April 2019

### Council's Vision:

**Bathurst: A vibrant and innovative region that values our heritage, culture, diversity and strong economy.**

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As a community it is important to have a plan that outlines what we want and need as a community now and as the region grows. The NSW Government also requires all councils to have such a plan. The Bathurst 2040 Community Strategic Plan (CSP) is the highest level forward planning document of Bathurst Regional Council. It identifies the community's priorities and guides the direction for the Bathurst region over the next 20 years.

Six key objectives have been established in the CSP:

1. Our Sense of place and identity
2. A smart and vibrant economy
3. Environmental stewardship
4. Enabling sustainable growth
5. Community health, safety and well-being
6. Community leadership and collaboration

These objectives are supported by strategies, shown below, aimed at identifying the importance of each objective.

As a 20 year plan, the CSP is not able to be wholly implemented in one term of Council. The Delivery Program represents actions that the Council expects to achieve during the current term of election for the Council, typically four years. This [Annual Operational Plan](#) identifies the individual activities and projects that will be completed within the current financial year of the Delivery Program.

**OBJECTIVE 1: Our sense of place and identity**

- 1.1 Respect, protect and promote the region's Aboriginal heritage assets
- 1.2 Protect, enhance and promote the region's European heritage assets and character
- 1.3 Enhance the cultural vitality of the region
- 1.4 Protect and improve the region's landscapes, views, vistas and open space
- 1.5 Promote good design in the built environment

**OBJECTIVE 3: Environmental stewardship**

- 3.1 Protect and improve our natural areas and ecosystems, including the Macquarie River and other waterways
- 3.2 Protect the City's water supply
- 3.3 Minimise the City's environmental footprint, live more sustainably and use resources more wisely
- 3.4 Protect and improve the region's biodiversity
- 3.5 Increase resilience to natural hazards and climate change

**OBJECTIVE 5: Community health, safety and well being**

- 5.1 Provide opportunities for our community to be healthy and active
- 5.2 Help make the Bathurst CBD, neighbourhoods and the region's villages attractive and full of life
- 5.3 Help build resilient, inclusive communities
- 5.4 Make our public places safe and welcoming
- 5.5 Plan and respond to demographic changes in the community

**Bathurst 2040 Community Strategic Plan****OBJECTIVE 2: A smart and vibrant economy**

- 2.1 Support local business and industry
- 2.2 Grow local employment, investment and attract new businesses by nurturing and supporting entrepreneurs, partnerships and local skill development
- 2.3 Develop Bathurst as a Smart City
- 2.4 Support agriculture, local manufacturing, food production and education as significant contributors to the region's economy
- 2.5 Support Mount Panorama as a premier motor sport and event precinct
- 2.6 Promote our City and Villages as a tourist destination

**OBJECTIVE 4: Enabling sustainable growth**

- 4.1 Facilitate development in the region that considers the current and future needs of our community
- 4.2 Provide safe and efficient road, cycleway and pathway networks to improve accessibility
- 4.3 Ensure services, facilities and infrastructure meet the changing needs of our region
- 4.4 Provide parking to meet the needs of the City
- 4.5 Work with partners to improve public transport, and passenger and freight transport connections to and from the region
- 4.6 Plan for, assess and regulate development activity

**OBJECTIVE 6: Community leadership and collaboration**

- 6.1 Communicate and engage with the community, government and business groups on important matters affecting the Bathurst Region
- 6.2 Work with our partners and neighbouring councils to share skills, knowledge and resources and find ways to deliver services more efficiently
- 6.3 Advocate for our community
- 6.4 Meet legislative and compliance requirements
- 6.5 Be open and fair in our decisions and our dealings with people
- 6.6 Manage our money and our assets to be sustainable now and into the future
- 6.7 Invest in our people
- 6.8 Implement opportunities for organisational improvement



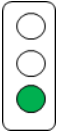
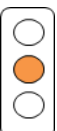
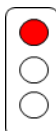
On the following pages, each of Council’s principal activities is shown along with their four year Delivery Program actions and the Annual Operational Plan tasks that will be undertaken. These actions and tasks are linked back to the Bathurst 2040 CSP to show the community how its needs and wants are being delivered.

The table below is a guide to reading the Delivery Program and Annual Operational Plan.

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer
From the Objectives shown on Page 2	What actions will be delivered to achieve the objective	What specific projects will be undertaken this year to address the 4 year actions	<b>Measurable KPI</b> How we will know when we have achieved our plans	Position Title – Director, Manager, Team Leader

The Performance Measures in this Plan have been rated by the responsible Directors as to their status of completion.




Below is a summary of the Status of all Performance Measures:




In progress – tracking as expected	Needs Attention	Urgent Attention
		
137 / 140	2 / 140	1 / 140
97 %	2 %	1 %

# Engineering Services

The key to developing a sound foundation for growth and prosperity of the Bathurst Region is by ensuring infrastructure needs are keeping pace with demand. The Engineering Services Department has the responsibility to ensure the current needs of the community are met and the capacity exists to cater for future growth. A clean and safe water supply, a quality local road network, and environmentally responsible waste management systems are all high priorities for engineering the future of the Bathurst Region.

## Asset Management

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.1 4.2 5.1	Improve pedestrian access within the urban area.	Completion of additional concrete footpaths/cycleways in accordance with the Bathurst Regional Community Access and Cycling Plan 2011.	600 lineal metres of footpath and or cycleway completed.	Manager Bathurst Works	Piper St both sides - Havannah to Seymour completed - 400m done Esrom St - Mitre St to Mooney Valley Pl - complete 200m Peel St - Keppel to Russell St - 100% complete Bradwardine Rd - Mitchell to Corporation Ave complete 100% Mitchell Hwy - Bradwardine Rd to Sawpit creek - 25% Complete Howick St - Seymour to Benlinc 100% complete	
		Monitor condition of footpaths.	100% of urban footpath inspected	Manager Bathurst Works	Urban CBD inspections 100% complete	
4.1 4.5	Maintain and improve the existing road infrastructure consistently throughout the network.	Improvement of road infrastructure to upgrade sub-standard sections of the sealed network.	Reconstruction and resealing works as per Council's 2018/2019 capital works and routine maintenance programs. Completion of 2018/2019 Roads to Recovery Program.	Manager Bathurst Works	Lagoon Rd - 100% complete Lachlan Rd 1.8km 100% complete East St Rockley minor realignment and seal - 100% complete White Rock Rd reconstruct 5.2 - 5.8 km - 100% complete Church St, Peel reconstruction - 100% complete Fitzroy St, Peel reconstruction - 100% complete Goldies Rd - reconstruction - 100% complete	




Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.1 4.3	Protection of urban areas on the Bathurst Floodplain	Renewal of gravel road surface throughout the network.	Completion of 2018/2019 Unsealed Roads Gravel Resheeting program.	Manager Bathurst Works	Silver St and Austral St Sunny Cnr 80% complete Messners Rd – gravel resheeting completed to quarry. Rivulet Road – gravel resheeting complete Crudline Rd – Gravel resheeting complete Forge Rd – Graveling complete Lagoon Rd – Graveling complete Brewongle Rd – Graveling complete Ridge Rd – Graveling complete Wambool Rd – Graveling complete Black Mountain Rd – Graveling complete	
		Undertake maintenance program in accordance with allocated budget.	Greater than 90% of the urban road network remains at condition Index 3 or above.	Manager Bathurst Works	Reseal preparations for the 2018/19 program completed. Rural Reseals completed 8 Jan 2019 Urban Reseals completed Ongoing maintenance continues.	
		Completion of flood mitigation works as outlined in the Bathurst Flood Management Plan.	Commence construction of Perthville Levee.	Manager Technical Services	Stage 1 - bridge and creek widening works 100% complete. Stage 2 - Construction of levee subject to pending grant application to OEH. Expectation for September advice. (Funding announcement not made as at end January).	




**Mount Panorama**


Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4	Increase profile of Mount Panorama as the premier motor racing venue in Australia.	Development of Legends Lane	Project constructed.	Director Engineering Services	Design Complete. Construction approval being sought.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6.5		Development of the second circuit.	Design and approval obtained.	Director Engineering Services	Tender accepted for design, documentation and approval for Second Circuit at Ordinary Meeting of Council, 18 July 2018. Completion of design due in 84 weeks.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6.8						
2.5						

## Water, Sewer and Waste


Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
3.2	Maintain and upgrade existing water and sewer infrastructure to meet the needs of all stakeholders into the future.	Operate, maintain, repair and upgrade Water Filtration Plant.	Achieve the Australian Drinking Water Standards 90% of the time.	Manager Water and Waste	Water Filtration Plant daily operations are ongoing, with maintenance and repairs conducted as required. The treatment processes are constantly monitored through a SCADA system and reviewed daily by staff.	
3.3						
3.5						
4.3						
6.2		Operate, maintain, repair and upgrade water distribution system.	Customer complaints regarding flow and pressure are kept below 52 p.a.	Manager Water and Waste	Water distribution system operations are ongoing, with monitoring, maintenance and repairs conducted as required.  Significant reservoir improvements have been completed, with further work planned, to continue to improve the integrity of the drinking water system around Bathurst.  With 13 key reservoirs, a total of 172 issues were identified. 141 of these have been addressed (82%). A further 12 issues are underway but not yet complete (will bring work to 88% completed). 26 issues are yet to be commenced. These new issues are to be added to the list, two have been completed.	
6.6		Respond effectively to discoloured water complaints within four hours	Respond to 90% of complaints within 4 hours.	Manager Water and Waste	Complaints regarding discoloured water are actioned within the required timeframe.  The number of discoloured water complaints for April 2019 was 2, which were received and actioned. This included calls relating to discoloured water from water main breaks. The financial year to date total calls for discoloured water is 36, over 10 months.	



Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Review, update and adhere to Drinking Water Management System (DWMS).	Australian Drinking Water Guidelines & DWMS compliance, reviewed weekly.	Manager Water and Waste	A Drinking Water Management System (DWMS) document has been completed and is in effect. Details on addressing the actions to ensure continuous improvement are being documented. A weekly internal review takes place, along with an external check of our water quality results through the NSW Health laboratory.  No breaches of the Bathurst DWMS critical limits have occurred in 2018/2019.	
	Kelso Water Infrastructure Project	Project is constructed and commissioned	Manager Water and Waste	Tenders have been called, assessed and reported to Council. Contractors (EODO) are well advanced, with work now complete. Work on the reservoir pump station and rising and delivery mains are all part of the project. Commissioning has now been completed. So far over 60,000 hours of contract work has taken place on the project and over 1,400m <sup>3</sup> of concrete has been poured. The reservoir and water mains have been hydraulically tested and disinfected.  The new system is on line from the end of July 2018, and currently 290 existing homes in Kelso are being provided with water at improved pressure, and 6 new connections in recently released subdivisions.		
	Eglington Village expansion – provision of trunk water mains and sewer mains for new subdivisions	Project is constructed and completed	Manager Water and Waste	In order to cater for the doubling in size of Eglington, a number of new water and sewer trunk mains were required. So far, for East Eglington 70% of the required new trunk mains for water and sewer are in place. For West		

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		<p>Review and update existing Best Practice Guidelines plans as required.</p> <p>Continue implementation of Trade Waste Policy.</p> <p>Monitor and action developments from State Government in regards to changes in the Best Practice Guidelines</p>	<p>Best Practice Guidelines compliance reported quarterly.</p> <p>Maintain approvals at over 90% of active businesses</p> <p>Review Guidelines monthly, then action as required.</p>	<p>Manager Water and Waste</p> <p>Manager Water and Waste</p>	<p>Eglington, 100% of the required new trunk mains for water and sewer are in place.</p> <p>Tenders have been called for the upgrade of the existing sewer rising main from Eglington to Bathurst.</p> <p>Project scoping was undertaken to identify what updating is required, and what approach should be taken to complete the work. Have selected the Drought Contingency and Water Supply Emergency Management Plan and the Demand Management Plan. A Consultant was appointed and work is complete. Reports have been presented to Council on the revised documents, which are on Council's website.</p> <p>Trade Waste Policy is current, has been approved by NSW Office of Water, and adopted by Council. As at the end of April 2019 there are 320 approvals in place, with 341 active businesses (94%).</p> <p>The existing level of compliance with the Best Practice Guidelines is 100% for both Water and Sewer.</p> <p>The review of further initiatives will be commenced, once DPL Water advises the outcomes of their proposed review of the guidelines.</p>	<p></p> <p></p> <p></p>


Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Prepare plans and estimates for works highlighted in the computer models of the water network and the sewer network.	Review all outcomes and opportunities from the water and sewer model reports to feed into the Management Plan.	Manager Water and Waste	<p>To date at the end of April 2019 DPI Water is yet to release their issues paper, and monitoring of this continues.</p> <p>The water model has previously been reviewed some years ago, with several projects put into effect. The sewer model has been updated to include the expansion of Eglinton and Keiso.</p> <p>Work on comparing options to service the growth is well underway. Recommendations are being developed.</p> <p>Water modelling improvements have been completed with gauges at 6 main reservoirs installed to allow for calibration during and after summer. The network has been monitored and logged during peak flows in February and March 2018. Calibration has taken place and the water model is being updated and reports provided.</p>	




Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Prepare reports and studies for Winburndale Dam and Chifley Dam to achieve compliance with NSW Dams Safety Committee regulatory requirements.	Compliance with NSW Dam Safety Committee requirements, reported quarterly.	Manager Water and Waste	<p>Funds were available for the Winburndale Dam Safety Upgrade to call Expressions of Interest, and this is now complete. The EOI closed on 6 December 2016. A review and assessment has been conducted. Approval to move to the tender phase has been received. This is being progressed through Public Works. A Review of Environmental Factors (REF) has been updated and expanded to cover all work areas. A tender review panel is established and a tender evaluation plan is finalised.</p> <p>Subsequent to this, tenders have now been called during September 2017, and closed with 4 offers received. These are being assessed. Grant funding was sought through the NSW Safe and Secure Water Program. Council has been successful in procuring \$2.225 million towards this project under the Program.</p> <p>A tender report should be available at a future 2019 Council meeting, as tenders closed on Tuesday 19 February 2019, and are currently undergoing a rigorous assessment.</p> <p>The Chifley Dam Secure Yield Study (base case) has been completed, with the Climate Change (future scenario) study also now complete. This report is being reviewed.</p> <p>The Chifley Dam Dambreak Study has been completed and forwarded to the NSW Dam Safety Committee.</p>	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Work with CENTROC on Water Utilities Alliance goals	Goals delivered.	Manager Water and Waste	<p>The Chifley Dam Safety Emergency Plan is complete and in effect.</p> <p>The annual surveillance report has been completed and recommendations are being actioned.</p>	
		Operate, maintain, repair and upgrade Waste Water Treatment Works to comply with licence conditions.	Achieve over 90 % compliance with EPA licence conditions.	Manager Water and Waste	<p>Waste Water Treatment Works operations are ongoing, with maintenance and repairs conducted as required. Plans for minor upgrades are underway. Daily and weekly sampling and monitoring of the plants performance are continuing, with internal and external testing performed.</p> <p>An Annual Return is completed following the end of the licence year (1 April). Over 95% of samples tested met the licence requirements, with only 3 minor breaches of the licence conditions in 2017/18 licence year.</p> <p>Next report is due end of May 2019, as the Annual Return is currently being completed.</p>	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.4	Maintain and upgrade existing waste infrastructure to meet stakeholder requirements.	Continue program of sewer main CCTV inspection, and lining if warranted	5,000 m inspected	Manager Water and Waste	Identification of appropriate locations for CCTV is ongoing through customer issues, staff advice and development proposals.	
3.3		Identify, plan and undertake water and sewer construction works.	Complete 2018/2019 capital works program	Manager Water and Waste	Liaison with Technical Services staff to obtain advice on road projects and / or developments is continuing.  The aim is to ensure services are relocated prior to RMS or BRC projects commencing, such as roundabouts (Howick/George Street roundabout being the current project).	
4.3		Replace waste collection vehicles on a 4 yearly cycle.	One waste collection vehicle replaced in 2018/2019	Manager Water and Waste	The waste collection vehicle fleet is up to date.	
6.2		Review Waste Management Centre filling plans to ensure the optimum long term strategy is delivered, and to enable future planning timelines to be developed.	Survey and monitor the remaining air space of the landfill annually.	Manager Water and Waste	A stormwater management audit has been conducted by EPA staff. A review has been conducted by an independent consultant. The final report has been received and recommendations are being put into effect. Planning is underway to conduct a future aerial survey, which is done annually to monitor actual fill and the final fill plan.	
2.2	Reduce waste to landfill.	Work with NetWaste on waste projects and opportunities, for greater diversion from landfill and increased efficiencies.	Projects delivered.	Manager Water and Waste	Several ongoing projects are supported, with bi-monthly meetings attended. New projects or opportunities are assessed as they arise. All options available to Bathurst Regional Council through NetWaste are supported.	
3.3						
6.1						





Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.2  6.6		Council to continue education and promotion of appropriate WasteWise behaviours with regard to green waste and recycling.	Promote recycling to maximise diversion from landfill. Combined diversion target is 5,000 tonnes.	Manager Water and Waste	<p>The roll out of information and education has commenced and will continue throughout 2018 /19.</p> <p>Close to 30,000 new recycling and food and garden waste bins have been delivered to Bathurst properties during March 2016.</p> <p>11,258 tonnes of food and garden waste have been sent for composting in the first 36 months (April 2016 to March 2019). The new service has been well received.</p> <p>Recycling collection is continuing, with the contractor JR Richards providing the recycling collection service and transporting to the Orange MRF for sorting and further processing at Visy in Sydney. Over 7,581 tonnes have been sent in the first 36 months of the new contract (April 2016 to March 2019).</p> <p>Combined totals show a diversion from landfill of over 18,840 tonnes, or 18.8 million kilograms.</p>	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Identify, assess and implement appropriate diversion opportunities.	Opportunities considered and reported quarterly.	Manager Water and Waste	<p>Wastewise education works are continuing, and the recycling contract education strategies are also underway.</p> <p>In March 2018 a cost increase was incurred for recycling due to overseas recyclers increasing prices. Since then Council in conjunction with Net Waste is in the process of developing a Recycling Strategy and is applying for an assistance package from NSW EPA.</p> <p>Council was successful in gaining funding, and has now completed the agreed outputs in the Funding Deed.</p> <p>Numerous diversions are already in place, and working well. Further opportunities will be identified and assessed and implemented if appropriate to do so. New organics collection introduced.</p> <p>Council participates in all 9 NetWaste Regional contracts.</p>	

## Recreation

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.4 5.1 5.5	Plan for increasing population and aging population in the provision of suitable recreational projects	Construct additional facilities as determined through community consultation.	Construction of 2 x additional rugby league fields between Ashwood Park and Jack Arrow Complex.	Manager Technical Services	Design works still to be completed in relation to Fields, mounding and amenities building at this site. Anticipate design works to be completed Mid May 2019. \$2.6M Grant funding made available October 2018 through Regional Sports Infrastructure Fund. Due to specific seasonal requirement for development of sporting fields, contract for construction of fields will need to be called in Spring 2019. Design of carpark and roundabout to be carried out externally, field designs to be completed in house.	
		Update sporting venues, including associated infrastructure.	Amenities / club room complex installed at the Bathurst Bike Park Precinct.	Manager Technical Services	Design & Construct documentation Completed, Tenders called and closed Mid April. Anticipate award of contract and commencement of on- site works in June 2019.	
			Restoration of Cricket Wicket Table Morse Park No.1.	Manager Recreation	Contract to install a new 5 pitch turf wicket table completed November 2018. Wicket not used for 2018/19 Cricket Season.	
			Replacement synthetic surface to Bathurst Sports-ground cricket nets with works to be completed by end March 2019.	Manager Recreation	Works completed.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.4 5.1 5.5	Continue construction of new playgrounds in expanding residential areas and upgrade existing	Plan for the construction of new playgrounds in expanding residential areas.	Restoration of court 8 - John Matthews Netball Complex by March 2019.	Manager Recreation	Works Completed.	
			Sand Silt Infield drainage to be installed to Field 2 Ashwood Park.	Manager Recreation	No Funding Provided for in 2018/19 Management Plan for this project.	
1.4 5.1 5.5	Maintain existing and future recreational areas.	Maintain existing levels of service to all parks, reserves, open space areas and other recreational facilities	Install new playground at Coates Drive Open Space Park	Manager Recreation	Insufficient funding provided within the 2018/19 Management Plan for new playground installation. Playground upgrade funding has been provided and various existing playground spaces will be upgraded this financial year as deemed necessary.	
			Installation of shade sail over Trunkey Ck Playground.	Manager Recreation	Grant awarded in December 2018 from Federal Government to assist in project. Installation of shade sale and replacement softfall to the playground completed in April 2019.	
1.4 5.1 5.5	Continue environmental programs identified within the Bathurst Vegetation Management Plan	To ensure that appropriate Environmental Management Plans for the Bathurst Region are current, relevant and provide long term strategies for the Region	Maintenance activities undertaken to all recreation Assets in accordance with adopted maintenance service levels. Develop 2018/19 spraying program by December 2018 & complete by April 2019.	Manager Recreation	Ongoing as part of adopted maintenance service levels and funding provisions. Weed surveys across Council parks and reserves were completed in Spring 2018. Contracts awarded and spraying works to various community lands were completed in April 2019.	



Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
			<p>Arrange for 11 Tree Planting and volunteer engagement activities.</p> <p>Apply for grants to assist completion of WMP program.</p>	<p>Manager Recreation</p> <p>Manager Recreation</p>	<p>11 community planting days (including school events) have been held since the start of the financial year.</p> <p>Council has been awarded a grant of \$77K from the NSW Environmental Trust for a revegetation program within a section of the Macquarie River and \$4,800 from Crown Lands Improvement Program to undertake weed control works within reserve area at Trunkey Creek. \$3,300 also awarded from LLS for weed control in Sunny Corner Waste Transfer Station. The Sunny Corner and Trunkey Creek Projects have been completed.</p>	 
			<p>Undertake maintenance of previously completed vegetation projects.</p> <p>Revegetation of College Road Open Space Reserve, with 550 trees to be planted.</p>	<p>Manager Recreation</p>	<p>Ongoing. Maintenance contracts have been awarded and various works occurring to water and weed past vegetation projects, including various sites along the Macquarie River.</p> <p>Revegetation works completed in October 2018. Plant maintenance / establishment works arranged over the summer season and completed in March 2019.</p>	 






## Corporate Services & Finance






Looking after its staff and ensuring open and transparent government is the main priority at Bathurst Regional Council. Council employs approximately 370 staff in 20 locations and attracting and keeping good people is our priority. For the fourth year in succession, in the annual Employee Opinion Survey, Council rated above the Australian Local Government Industry Standard for employee satisfaction.

### Human resources





Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.5 6.1 6.2	Establish and build on effective networks with other councils to identify areas for operational improvements and efficiencies.	Regularly participate in cross-functional teams with Centroc and Evocities councils to identify opportunities for efficiencies.	Review minimum 2 HR functions and outline how efficiencies will be made.	Manager Human Resources	Council regularly meets with other Councils within the CENTROC area as part of quarterly HR Group meetings as well as twice yearly meetings with HR colleagues from the Evocities Group.  Approval was given for the implementation of a new online recruitment, onboarding and performance management system as a collaborative effort through Centroc. Two modules have been rolled out and the performance module commenced implementation during March.  During March the HR Manager met with HR colleagues from Evocities Councils to discuss current HR issues and exchange ideas for improved service delivery.	
1.1 5.3 6.4 6.7	Ensure all staff complete induction training, ongoing compliance updates and professional development.	Continuation of staff induction program. E-learning platform is monitored to ensure all staff are enrolled and have completed required compliance training.	100% of new staff complete induction, 80% of staff maintain current competency for compliance training modules.	Manager Human Resources	As at the end of March all new staff have attended the appropriate induction training.  The new e-learning system commenced its roll out in July, with a trial group of staff being enrolled in several of the compliance modules.  During October staff with computer access were enrolled in the Code of Conduct, Workplace Bullying & Harassment, Aboriginal	





					<p>Cultural Awareness and Sexual Harassment Prevention.</p> <p>During February staff have been enrolled in the remaining mandatory e-learning modules.</p> <p>Planning has commenced during March for delivery of compliance modules to field staff.</p>	
<p>6.2 6.7 6.8</p>	<p>Provide a range of education and training opportunities for Council's workforce.</p>	<p>Promote the Learning and Development Policy to encourage upskilling of Council's workforce.</p>	<p>20% increase of staff participating in staff education assistance scheme.</p>	<p>Manager Human Resources</p>	<p>Promotion of Council's Learning and Development Policy commenced via staff newsletters during August. Since this time a number of applications for education assistance were received with six approvals being granted year to date.</p>	
<p>6.7 6.8</p>	<p>Develop and implement programs and initiatives to foster a strong leadership culture.</p>	<p>Undertake staff consultation and develop corporate values to align with Council's vision.</p>	<p>Consultation completed and corporate values established.</p>	<p>Manager Human Resources</p>	<p>A project plan will be developed to outline actions and timelines.</p>	

## Governance



Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 6.5 6.8	Ensure Council policies reflect community needs and organisational requirements.	Regular review of Council's policies (Policy Manual).	Individual Policies reviewed for relevance and compliance with statutory requirements	Manager Corporate Governance	Manual monitored regularly and updated as required. Last update issued 16 October 2018.	
6.4 6.5	Implementation of the Government Information Public Access Act (GIPA Act)	Provision of Contract Register on Council's website.  Action requests for information under GIPA Act.	Register updated monthly.  Information requests (formal and informal) actioned in accordance with statutory guidelines.	Manager Corporate Governance  Manager Corporate Governance	Register updated after each Council meeting.  This month: 1 applications received. YTD 10 applications received. 12 applications completed (4 from 2017/2018), 1 outstanding. 1 application withdrawn. Consultant engaged to update Council's Business Continuity Plan and Information Services Business Recovery Plan (ISBRP). Draft BCP received. Comments on draft provided to Consultant. Information Services BCP being prepared. Desktop exercise postponed until both plans completed.	 
4.3 6.4	Ensure Council's continuity of operations.	Review of Disaster Recovery Plan and Business Continuity Plan (BCP).	Plan reviews completed	Manager Corporate Governance	This month: Nil YTD 1 fine - DPI Fisheries NSW - \$500 fine – Perthville Flood Mitigation works being done by contractor.	
6.4	Compliance with Local Government (General) Regulation 2005	Reporting of fines and penalties issued against Council.	Fines or Penally Notices issued this month.	Manager Corporate Governance		

## Information Technology

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.3 2.5 6.8	Improve long-term viability and availability of electronic data for both the current and long term.	Develop Information Services strategic plan.	Plan Completed	Manager Information Services	Information Services Strategic Plan has been included on Information and Communication Technology (ICT) Roadmap for completion in 2019. Currently looking for a suitably qualified company to assist in the creation of our strategic plan. Developing materials internally to ensure consultant is quickly up to speed.	
		Review and renew Information Services Business Recovery Plan (ISBRP).	Plan developed and tested	Manager Information Services	Consultancy company "InConsult" has been retained to assist with the development of the ISBRP. Completion has been scheduled 2019. Draft report has been delivered. IS responsibilities from report need to be identified and specific plans developed.	
		Renewal of Council's fleet of Desktop and Notebook computers.	Desktop renewal completed.	Manager Information Services	Tender has closed and currently being reviewed project completed by September 2019.	
2.2 2.3 2.6 5.2	Support the Smart Cities project.	Deliver CBD WiFi for the Bathurst Community.	CBD WiFi installed, tested and live.	Manager Information Services	Installation is almost complete with extension to cabin area of Chifley Dam still to be done. All other sites are now live.	

Finance						
Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6:1 6:6	Ensure Council's long term financial sustainability.	Review need for special variation in rate income.	Long Term Financial Plan complete and adopted by Council.	Manager Financial Services	Long Term Financial Plan completed for 2018/19. Council did not apply for a special rate variation for 2019/20 Operating/Delivery Plan.	
		Improve Council's cash flows.	Rates and Charges Outstanding Ratio less than 10%.	Manager Financial Services	As per 2017/18 Financial Statements achieved 6.17% (2016/17 5.68%). (2015/16 5.85%). (2014/15 6.63%).	
		Ensure Council's level of debt is manageable.	Debt service ratio less than 10%.	Manager Financial Services	As per 2017/18 Financial Statements achieved 3.66% (2016/17 4.12%). (2015/16 3.95%). (2014/15 4.10%).	
		Maximise invested funds within prudential guidelines.	Outperform monthly 90 day bank bill swap rate.	Manager Financial Services	At 30 April 2019: • Current year average earnings – 2.83% (2017/18 average 2.80%) • 90 day Bank Bill Swap Rate – 1.94%	

## Corporate Communications

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.1	Communicate and engage with the community	Bathurst Regional Council Community Survey.	Overall satisfaction rating > 70%	Manager Corporate Communications	Report completed and submitted to Council. 90% of residents are at least somewhat satisfied with the performance of Council. (6% are at least somewhat satisfied with the courtousness of staff; 91% are at least somewhat satisfied with the helpfulness of staff; 93% are at least somewhat satisfied with the knowledge of staff & 84% are at least somewhat satisfied with the responsiveness of staff.	
		Ensure community consultation occurs	All consultation projects included on the "Your Say" platform  Followers on social media > 5,000	Manager Corporate Communications	As at 30 April 2019:  100% consultation projects on Your Say (Australian Fossil & Mineral Museum strategy, Heritage Conservation area review, draft code of meeting practice; Development Control Plan(DCP) changes – Amendment 18 – vegetation & biodiversity; draft Council policies – repeal of funder wanting lighting & draft onsite sewage management; Rail Layout volunteers, George Howick St roundabout, irrigation portal, Bathurst Rail Museum, Pillars of Bathurst)  Social media followers: July: 7,348 August: 7,454 September: 7,562 October: 7,858 November: 7,919 December: 8,006 January: 8,182 February: 8,303 March: 8,634  BRC Facebook Page – April: 7,245 followers BRC Twitter Page April: 1,560 followers	

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BRC Website visits  
> 40,000

**April total: 8,805**

Website visits:

- July: 65,766
- August: 43,035
- September: 51,675
- October: 95,056
- November: 53,312
- December: 43,114
- January: 49,955
- February: 59,833
- March: 67,627

April:

- BRC: 23,254
- Mount Panorama: 10,396
- BMEC: 4,981
- NIMRM: 2,415
- Australian Fossil & Mineral Museum: 1,849
- Bathurst Art: 1,664
- Winter Festival: 1,278
- Hill End Art: 1,051
- Bathurst Cycling Classic: 813
- Cobb & Co: 680
- April total: 48,381**




Property						
Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.5 6.4 6.5 6.8	Encourage development of new residential land releases to ensure appropriate level of supply.	Development of residential land in accordance with Council plans.	Provision of land stocks for residential needs.	Property Manager	Sunny/bright construction commenced June 2018. First stage of 150 lots, with 95 lots completed in April 2019. Ballot held 12 April 2019, with 7 lots under contract. Registration expected May 2019. Remaining 55 lots will be completed by December 2019.	
2.1 4.1 6.4	Manage development of new commercial and industrial land releases as required to meet the needs of new businesses.	Development in Bathurst Trade Centre and Kelso Industrial Park as required.	Provision of land to meet demands.	Property Manager	Windy 1100 - Construction due to commence mid-2021. 180 lots in total. Bathurst Trade Centre stage 10, construction commenced in July 2018. 15 out of 15 lots are under contract at end of April 2019. Registration expected May 2019. Kelso Industrial Park has 8 lots still available.	





## Cultural & Community Services

Bathurst Regional Council supports a vibrant culture and community. Lifestyle in the Bathurst Region is enriched by providing a diverse range of cultural facilities and programs and by promoting cultural diversity. Community well-being is promoted through social planning, community development and ensuring access to community services.


### Community Services

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
5.1 5.2 5.3 5.5	Work in partnership with key stakeholders to develop administer and deliver community planning that reflects the strengths and needs of specific sectors and the community as a whole.	Undertake the actions identified in the Bathurst Community Safety Plan in partnership with the Bathurst Regional Community Safety Committee.	4 meetings with administration support provided to the Bathurst Regional Community Safety Committee.  Relevant campaigns /projects developed and implemented as per actions identified in the Bathurst Community Safety Plan.	Manager Community Services	No Community Safety Committee meetings held in April. Five (5) Committee meetings have been held year-to-date.  Draft Community Safety Plan 2019 - 2023 presented to Ordinary Council Meeting on 17 April, followed by 28 day public exhibition period.	
6.3		Implementation of the strategies and actions identified in the Disability Inclusion Action Plan (DIAP) that address each of the four focus areas of the plan 2017-2021.	Undertake annual review and evaluation of actions.  Ensure continuing public awareness raising and promotion of DIAP.	Manager Community Services	Actions and strategies discussed with internal and external stakeholders during April.	
5.1 4.3 1.3 5.4 6.2	The provision of the Kelso Community Hub as a safe community hub and venue for outreach service provision that	Continue to provide ongoing review of service delivery for future direction of Kelso Community Hub.	Facilitate 2 meetings with Kelso Community Hub stakeholders.	Manager Community Services	No stakeholder meetings held in April. One stakeholder meeting held year-to-date. One report presented to Council year-to-date.	





Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.3	meet the needs of the community.	Encourage and facilitate the use of the Keiso Community Hub by outside service providers to meet the needs of the community.	3 Keiso Community Hub update reports to Council.  10% increase on 2017/2018 utilisation by external services providing target services and programs.	Manager Community Services	Summary of external service providers and programs at the Keiso Community Hub during April <ul style="list-style-type: none"> <li>5 individual uses by external one-off and repeat services and programs (YTD 350).</li> <li>90% decrease in individual uses by external one-off and repeat services and programs from April 2018 due to capital works being undertaken at the facility and school holiday period.</li> <li>358 people serviced (YTD 6,872).</li> </ul>	
5.1 5.3 1.3 6.2 6.3 6.7	Value and support opportunities for young people to understand the processes of Local Government and be involved in relevant projects.	Develop and provide programs and activities that meet the identified needs of the community.  Providing support for the Bathurst Regional Youth Council and their related activities, programs and events	20 children per day accessing the breakfast program  5% increase of young people accessing afterschool programs per session  5% increase of young people accessing holiday activities.  4 Community celebrations per year.	Manager Community Services	The following programs, activities and celebrations were held at Keiso Community Hub throughout April: <ul style="list-style-type: none"> <li>118 young people were serviced by the Breakfast Program (YTD 1,616).</li> <li>The Breakfast Program has operated for 95 days year-to-date with an average attendance of 17 students each day.</li> <li>36 young people attended after school programs during April (YTD 525).</li> <li>46 young people attended school holiday activities in April (YTD 186).</li> <li>No community events were held during April (YTD 5).</li> </ul> Youth Council meeting held 2 April 2019.  Five (5) Youth Council meetings have been held year-to-date.  No Youth Network meetings held in April. Five (5) Youth Network meetings have been held year-to-date.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
5.1 5.2 5.3 5.4 6.3 6.4 6.7	Provision of high quality child care facilities to cater for children aged 0-12 years in the Bathurst Community	Update policies and procedures to ensure alignment with: 1. Education and Care Services National Quality Standards. 2. Education and Care Services National Regulations and Law 3. The Early Years Learning Framework	50% of policies reviewed. Continue to develop and review Service Quality Improvement Plans (QIP), 7 National Quality areas to be reviewed.	Manager Community Services	Year to date 100% of the Children's Services policies have been reviewed. A total of forty-two (42) policies across the three services have been reviewed. During April Scallywags directly reviewed Quality Area 1 with the introduction of a Bush Kinder to the Service's Program. This program will be implemented during May. In April Little Scallywags and Family Day Care has reviewed all seven (7) quality areas in preparation to submitting the Quality Improvement Plan (QIP) prior to submitting to regulatory authority as part Assessment and Rating visit process. Seven quality areas have been reviewed year-to-date across services through review of policies, QIP review.	
	The provision of Council's Children Services, setting a benchmark for education and care in the Bathurst LGA	Ongoing review of service delivery for future growth of occupancy rates of all services	Facilitate 2 surveys across services for review of service delivery Children's Services update report to Council	Manager Community Services	No surveys completed in the month of April regarding service delivery. One survey completed year to date regarding 2019 enrolments for Scallywags. No reports presented to Council in April or year-to-date.	
	Promotion of Children's Services.	Promotional mechanisms developed and implemented for each child care service.	Undertake 3 promotional strategies through a range of digital platforms. Undertake 3 community	Manager Community Services	Family Day Care and Scallywags refurbished featured front page of the Rate Payers newsletter in April. The article provided an update of the Scallywags refurbishment and acknowledgement of an Educators years of service. Social media plan for the Children's Services Facebook page has been developed in April.	

Delivery Program 2018-2022 &amp; Annual Operational Plan 2018/2019

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
	Provision of appropriate resources and learning environments that reflect the National Quality Standards.	Resources obtained to reflect the requirements of the National Quality Standards	75% of resources obtained to reflect requirements of the National Quality Standards consultation activities to promote service 5% increase of new cliental through website	Manager Community Services	Resources purchased by Scallywags during April related to Quality Area1 and 2 to assist in the development of the Bush Kinder Program . No resources purchased in April for Family Day Care and Little Scallywags. 80% of resources purchased, year-to-date, reflect National Quality Areas.	

## Bathurst Library

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.3	Develop a strategic approach to planning the next-practice library	Develop a library strategic plan	Library strategic plan is completed.	Manager Library Services	Research and Analysis phase continues. State Library of NSW Assessment and Compliance Report including strengths and opportunities received. Benchmarking completed	
5.3	Maintain and improve community participation in the Library Services	Maintain and improve membership base	Membership is 25% or more of total population	Manager Library Services	Notes: Percentage based on Bathurst population of 42,900. From August 2018 onwards, active membership calculated using three-year activity (NSW State Library standard) instead of previous calculation on two-year activity. April 2019 membership is 20,918 = 49% of Bathurst population (excludes non-2795 members). April 2019 membership for Reciprocal/Temporary (non-2795 postcode) is 1,917. Total active membership is 22,835 = 53% of Bathurst population.	
		Maintain and improve visitations	Visitations are 140,000 or more	Manager Library Services	Monthly target: 11,666 visits average. April 2019 visits: 12,942 (YTD 122,957)	
		Maintain and improve program and event delivery	Deliver 12 or more programs / events per month	Manager Library Services	Programs held in April 2019 = 22 (YTD 225)	


Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
5.3	Maintain and improve access to information and life-long learning	Maintain and increase circulation of library material	Print loans at least 23,000 per month Electronic loans at least 400 per month	Manager Library Services	April 2019 Print loans: 19,073 (YTD 196,153) April 2019 electronic loans = 2,501 (YTD 15,871)	
6.1	Communicate and engage with the community	Growth in followers on the library social media platforms	> 1,750 Facebook followers > 800 Twitter followers	Manager Library Services	Total Facebook followers = 2,065 Total Twitter followers = 871	
6.2	Maintain and create partnerships with local organisations and neighbouring councils	Develop program with Save the Children Fund "Programming the Future" Develop MOU with the Bathurst Family History Group	2 programs developed, advertised and held by June 2019 MOU signed by June 2019	Manager Library Services Manager Library Services	Year to date: 2 programs developed, advertised and held 1. Bug Out coding School Holiday activity held 17 July. 13 attendees. 2. Simple Bots school holiday activity held 18 July. 17 attendees. Draft MOU prepared and in discussion with Bathurst Family History Group.	
		Maintain or increase current participation in electronic collection consortia with other libraries	Number of active eCollection consortia is >2	Manager Library Services	Year to date: 3 active eCollection Consortia, in collaboration with other Central West Libraries: <b>Wheels:</b> Bathurst, BigSky, Broken Hill, Cobar, Inverell, Parkes <b>BorrowBox:</b> Bathurst, Big Sky, Bourke, Broken Hill, Central West Libraries, Cobar, Lachlan, Mid-Western, Oberon, North Western, Weddin	

Delivery Program 2018-2022 &amp; Annual Operational Plan 2018/2019

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
					<b>RBDigital</b> : Bathurst, Big Sky, Central West Libraries, Gunnedah, Lithgow, Mid-Western	



Delivery Program 2018-2022 & Annual Operational Plan 2018/2019



Bathurst Regional Art Gallery

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.3	Provide a focus on the visual arts for the community by providing education and public programs that challenge thinking and stimulate creativity, and promote cultural vitality in the region through the development and care of the permanent collection, temporary exhibitions and research facilities.	Develop community access and inclusion to the Gallery's exhibition program through the development education, outreach and public programs.	Staging of six (6) education / public programs in conjunction with BRAG exhibitions.  At least 1,200 students from school and 15 community groups or organisations accessing BRAG education / outreach / public programs including the Art in a Suitcase program.	Art Gallery Director	<ol style="list-style-type: none"> <li>1. STEEL/ELLS programs: Number of community/ed groups: 30 Number of students: 209 Number of pp participants: 268</li> <li>2. SALLENT/BURROWS programs Number of community/ed groups: 21 Number of students: 534 Number of pp participants: 285</li> <li>3. Looking Forward-Looking Back programs Number of community/ed groups: 25 Number of students: 94 Number of pp participants: 425</li> <li>4. Curiouser &amp; Curiouser programs Number of community/ed groups: 26 Number of students: 78 Number of pp participants: 741</li> <li>5. BRAGS 50 Years: The Art of Giving Number of community/ed groups: 19 Number of students: 47 Number of pp participants: 525</li> <li>6. ARTEXPRESS/ Fabrice Cazenave: The Garden of Shadows Number of community/ed groups: 14 Number of students: 32 Number of pp participants: 427</li> </ol> <p>@ 30 APPR Art in a Suitcase: no activity @ 30 APPR Community/Ed groups: 14 Community group reach: 427 Students: 32</p> <p>TOTAL YTD: ART IN A SUITCASE REACH: 498</p>	

Delivery Program 2018-2022 & Annual Operational Plan 2018/2019





Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		<p>Provide opportunities for the professional development of regionally based artists through exhibition.</p>	<p>Staging of two (2) survey exhibitions with at least 3,200 attendees. Production of two (2) exhibition catalogues.</p>	<p>Art Gallery Director</p>	<p>TOTAL YTD: STUDENT REACH: 994 TOTAL YTD: PUBLIC PROGRAMS REACH: 2,579</p> <p>Survey Exhibitions:</p> <ol style="list-style-type: none"> <li>Rachel Ellis: Sustaining Light survey. Total Attendance: 4,063</li> <li>Terry Burrows: Objectivity Total Attendance: 3,357</li> <li>Michelle Collocott: Three Ponds Series Attendance Total: 3,186</li> </ol> <p>Catalogues:</p> <ol style="list-style-type: none"> <li>Rachel Ellis: Sustaining Light</li> <li>Terry Burrows: Objectivity</li> <li>Michelle Collocott: Three Ponds Series</li> <li>Looking Forward: Looking Back: contemporary works from the East Kimberley</li> <li>BRAGS 50 Years: The Art of Giving</li> </ol> <p>APR: no activity</p> <p>Permanent Collection Exhibitions:</p> <ol style="list-style-type: none"> <li>BRAGS 50 Years: The Art of Giving (16 Feb - 7 Apr) Apr attendance: 590 Total attendance to date: 3,123</li> </ol> <p>Artwork Loans:</p> <ol style="list-style-type: none"> <li>12 works loaned to Blue Mountains Cultural Centre (Peter Rushforth: A Legacy - 30 Nov 2018 - 20 Jan 2019) Total Visitation: 3,248</li> </ol> <p>APR: no activity</p>	
		<p>Develop community access to the permanent collection through exhibition, research, loans and touring exhibitions on an as needs basis.</p>	<p>Staging of two (2) permanent collection exhibitions including the development of one (1) touring exhibition curated from the permanent collection with at least 3,200 attendees. At least 5 works loaned to other galleries, and visitation of more than 2,500 per venue.</p>	<p>Art Gallery Director</p>	<p>Permanent Collection Exhibitions:</p> <ol style="list-style-type: none"> <li>BRAGS 50 Years: The Art of Giving (16 Feb - 7 Apr) Apr attendance: 590 Total attendance to date: 3,123</li> </ol> <p>Artwork Loans:</p> <ol style="list-style-type: none"> <li>12 works loaned to Blue Mountains Cultural Centre (Peter Rushforth: A Legacy - 30 Nov 2018 - 20 Jan 2019) Total Visitation: 3,248</li> </ol> <p>APR: no activity</p>	


Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
5.2	Promote cultural activity in the Bathurst CBD, neighbourhoods and the region's villages through the development of inclusive and accessible satellite programs and events, and the promotion of Hill End as a significant site of contemporary and historic Australian art and culture.	Develop community understanding of the achievements of the Hill End Artists in Residency Program through exhibition and international participation.	Staging of three (3) Hill End Artists in Residency exhibitions with at least 3,200 attendees.  Two (2) international residencies.	Art Gallery Director	Hill End AIR exhibitions: 1. Wendy Murray: Night & Day (16 Feb – 7 Apr) Mar attendance: 1,683 Total attendance to date: 2,533 2. Peter Wegner: Portraits from the End (5 – 23 Apr, Sacred Heart Catholic Church, Hill End) 3. Wendy Murray: Over the Horizon (19 – 23 Apr, The End Festival) Total attendance for 2&3: 6,200 Fabrice Cazenave: The Garden of Shaows (12 Apr – 2 Jun 2019) Apr attendance: 1,479 Total attendance to date: 1,479  Hill End AIR International Residencies: 1. Mar: Alice Andrea Ewing (UK) 2. Olivia Rosenthal (France)  Off-site programs / Events: 1. Dec/Jan: Pop-Up Shop @ AFMM: 252 2. APR: Peter Wegner: Portraits from the End (5 – 23 Apr, Sacred Heart Catholic Church, Hill End) 3. APR: Wendy Murray: Over the Horizon (19 – 23 Apr, The End Festival) Total attendance for 2&3: 6,200	
		Broaden access and inclusion to the Gallery's exhibition program through the development of a program of off-site and/or satellite programs.	Development of two (2) off-site programs / events.  At least 1,000 participants per program / event.	Art Gallery Director		

## Bathurst Memorial Entertainment Centre

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.1 1.1 1.2 5.3 6.2	Implement a strategic approach to planning the next-practice Performing Arts Centre	Develop a consultants brief with professional support Call for consultant expressions of interest and appoint consultant	Strategic approach is completed by December 2019	Manager BMEC	The expression of interest has been advertised. Closing date 4 June 2019.	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>
5.2 5.3	Maintain and improve community participation in BMEC services and activities	Maintain and improve membership/subscription (Friends) base	Friends base is 247 or more	Manager BMEC	<p>2018: Friends base was 252.</p> <p>In 2019 the "Friends" category no longer exists and has been replaced by Membership. This is paid for when less than five shows are booked and is complimentary when five or more shows are booked.</p> <p>By end of April 159 memberships had been confirmed.</p> <p>N.B: This year BMEC has increased the number of tickets a Member can purchase for a non-Member, therefore many couples who were previously counted as two members are now just counted as one.</p> <p>With Members able to purchase additional tickets BMEC is seeing an increase in the overall number of tickets sold to Members</p> <p>2019 as at 30/04/19:            Total number of Members: 159            Total Member tickets sold: 1,422            Average Tickets per Member: 8.94</p> <p>Total number in 2018: 253            Total number of Friends: 1868            Friend tickets sold: 1868            Average Tickets per Friend: 7.3</p> <p>53,620 people attended BMEC in 2017/2018            Attendance statistics for the current financial year up to end of April are 44,285.</p>	<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>
		Maintain and improve venue attendance	Attendances are 54,000 or more.	Manager BMEC		<input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>



Delivery Program 2018-2022 &amp; Annual Operational Plan 2018/2019

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Maintain and improve program and event delivery	<p>Deliver approximately 17 Season and other events; 9 associated workshops and a Local Stages Program including LEAP program, local writers and other performing arts development</p>	Manager BMEC	<p>17 season shows were successfully presented in the 2018 Annual Season with 12 associated workshops.</p> <p>The fourth show in the 2019 Season was 'In Between Two' held on 9 April. 120 people attended this performance. 8 young people (aged 14-24 years) also attended a workshop with the artists.</p> <p>The fifth show of the season was Australian Haydn Ensemble with Helen Sherman on 12 April. This performance had an audience of 305 people.</p> <p>On 17 &amp; 18 April the sixth show in the season was My Urnwal. 139 people attended this intimate production over 3 performances. The newly installed truss in City Hall was used successfully for this production.</p> <p>An associated workshop was held at Kelso Community Hub for young people as part of holiday activity. This was attended by 6 people.</p> <p>Local Stages Developed the program and associated marketing materials for the Bathurst Writers' &amp; Readers' Festival to be held 3-5 May at BMEC. The program is available on line, at BMEC and Books Plus.</p> <p>Local Stages assisted Bangladeshi Community with access to a conference room for cultural celebrations on 14 April</p> <p>Youth Drama Term classes resume on 29 April.</p> <p>53,620 people attended BMEC in 2017/2018 Attendance statistics for the current financial year up to end of April is 44,285</p>	
		Maintain and improve attendance at programs and events	5,000 attendees or more to Season shows and 5,500 at associated and Local Stages projects per year	Manager BMEC		

<p><b>Bathurst 2040 Objective reference</b></p> <p>1.1 1.2 5.3</p>	<p><b>Delivery Program actions 2018-2022</b></p> <p>Communicate and engage with the community</p>	<p><b>Annual Operational Plan Projects / Tasks 2018/2019</b></p> <p>Growth in community engagement.</p>	<p><b>Performance Measure</b></p> <p>&gt; 2,470 Facebook followers &gt; 530 Twitter followers &gt; 525 Instagram followers</p>	<p><b>Responsible Officer</b></p> <p>Manager BMEC</p>	<p><b>Action Year to Date</b></p> <p>BMEC currently has: 3106 Facebook followers 521 Twitter followers 708 Instagram followers This does not include ISOS, Catapult Festival or Central West Snort Play Festival followers</p>	<p><b>Status</b></p> <p></p>
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Delivery Program 2018-2022 & Annual Operational Plan 2018/2019

## Museums

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6 1.1 1.2 1.3 6.6	An increase in total visitor numbers to the Bathurst Regional Council managed Museums of 8% over 4 years	A 2% increase in total visitor numbers to: <ul style="list-style-type: none"> <li>Australian Fossil and Mineral Museum</li> <li>National Motor Racing Museum</li> <li>Chifley Home and Education Centre</li> </ul>	Total 2% increase in visitor numbers	Manager Museums	<p>In April 2019 the following total visitor numbers included:</p> <p><b>Australian Fossil and Mineral Museum</b> 2,670 which is a 11% decrease on April 2018 visitor numbers from 3,008.</p> <p><b>National Motor Racing Museum</b> 3,212 which is a 11% increase on April 2018 visitor numbers of 2,898.</p> <p><b>Chifley Home and Education Centre</b> 71 which is a 59% decrease on April 2018 visitor numbers of 175.</p> <p>Total number of visitors across the Museums in April 2019 was 5,953 which is a 2% decrease on March 2018 numbers of 6,081.</p> <p>Year to date (YTD) total visitors to Council Museums is 50,793 which is a 1% increase from 50,198 YTD 2018.</p> <p>In April 2019 the following education/schools engagement included:</p> <p><b>Australian Fossil and Mineral Museum</b> 217 visitors which is a 128% increase on April 2018 visitor numbers from 95.</p> <p><b>National Motor Racing Museum</b> 10 visitors which is a 73% decrease from April 2018 visitor numbers of 37.</p> <p><b>Chifley Home and Education Centre</b> 10 education/school visits which is a 70% decrease on April 2018 visitor numbers from 33.</p> <p>The number of education/school engagement across the Museums in April 2019 was 513 which is a 56% increase on April 2018 numbers of 328.</p>	
2.6 1.1 1.2 1.3 6.6	An increase in the total educational/schools engagement with the Bathurst Regional Council managed Museums of 8% over 4years	A 2% increase in total education/schools engagement at: <ul style="list-style-type: none"> <li>Australian Fossil and Mineral Museum</li> <li>National Motor Racing Museum</li> <li>Chifley Home and Education Centre</li> </ul>	Total 2% increase in education/schools engagement	Manager Museums	<p>In April 2019 the following education/schools engagement included:</p> <p><b>Australian Fossil and Mineral Museum</b> 217 visitors which is a 128% increase on April 2018 visitor numbers from 95.</p> <p><b>National Motor Racing Museum</b> 10 visitors which is a 73% decrease from April 2018 visitor numbers of 37.</p> <p><b>Chifley Home and Education Centre</b> 10 education/school visits which is a 70% decrease on April 2018 visitor numbers from 33.</p> <p>The number of education/school engagement across the Museums in April 2019 was 513 which is a 56% increase on April 2018 numbers of 328.</p>	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6 1.1 1.2 1.3 6.6	The provision of a range of public programs, exhibitions and community events at the Bathurst Regional Council managed museums	Undertake a minimum of six exhibitions, five public programs and two community events across the Bathurst Regional Council managed museums	Minimum six exhibitions, five public programs and two community events	Manager Museums	<p>Year to date (YTD) total education/school visitors to Council Museums is 4,253 which is an 24% increase from 3,443 YTD 2018.</p> <p>In April 2019 the following has occurred:</p> <ul style="list-style-type: none"> <li><b>Australian Fossil and Mineral Museum</b> <ul style="list-style-type: none"> <li>Exhibition: Meet the Diprotodon</li> <li>Planning and preparations are underway for the Chapman Collection.</li> <li>Zoo mobile Family Day</li> <li>Dinosaurs in the Dark torchlight tours</li> </ul> </li> <li><b>National Motor Racing Museum</b> <ul style="list-style-type: none"> <li>Exhibition: Craig Lowndes – The Story So Far</li> </ul> </li> <li><b>Chifley Home and Education Centre</b> <ul style="list-style-type: none"> <li>Exhibition: Chifley Album</li> </ul> </li> <li><b>Rail Museum</b> <ul style="list-style-type: none"> <li>Exhibition: All Aboard Public Art project</li> </ul> </li> </ul> <p>Year to date (YTD) exhibitions, public programs and community events</p> <ul style="list-style-type: none"> <li>(10) Exhibitions</li> <li>(10) Public programs</li> <li>(5) Community events</li> </ul> <p>In April 2019 the following retail and venue hire gross revenue was achieved:</p> <ul style="list-style-type: none"> <li><b>Australian Fossil and Mineral Museum</b> \$9,465.00 which is a 9% decrease on April 2018 income from \$10,391.00</li> <li><b>National Motor Racing Museum</b> \$25,931.35 which is a 20% increase on April 2018 income of \$21,640.50</li> <li><b>Chifley Home and Education Centre</b> \$67,00 which is a 70 % decrease on April 2018 income of \$225,40.</li> </ul>	
2.6 1.1 1.2 1.3 6.6	An overall increase in revenue generated from museum retail outlets and venue hire across the Bathurst Regional Council managed museums	A 2% increase in revenue generated from museum retail outlets and venue hire across the Bathurst Regional Council managed museums	Total 2% increase in retail and venue hire revenue	Manager Museums		



Delivery Program 2018-2022 &amp; Annual Operational Plan 2018/2019

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6 1.1 1.2 1.3 6.6	The construction and operation of the Bathurst Rail Museum	Undertake the construction and fit out of the Bathurst Rail Museum	Construction of Bathurst Rail Museum commenced	Manager Museums	<ul style="list-style-type: none"> <li>Year to date (YTD) total gross revenue for Council Museums is \$343,673.88 which is a 9% increase from \$316,012.87 YTD 2018.</li> <li>In April 2019 the following occurred: <ul style="list-style-type: none"> <li>Lead paint removal is almost complete inside.</li> <li>Painting interior commenced.</li> <li>First panel of layout gallery erected.</li> <li>Layout reconstruction continuing.</li> </ul> </li> </ul>	
1.1 1.2 1.3 6.6	The construction and operation of the Central Tablelands Collection Facility	Continue to seek external funding for the construction of the collection facility	External funding sources identified and applications submitted	Manager Museums	<ul style="list-style-type: none"> <li>In April 2019 the following occurred: <ul style="list-style-type: none"> <li>Funding of \$2.3 million confirmed 30 January for the Collections Facility through Create NSW Regional Cultural Fund Stakeholder Agreement signed with Create NSW.</li> <li>Initial contacts made with similar facilities.</li> <li>Invoice for first milestone payment submitted.</li> </ul> </li> </ul>	







Tourism

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.1 6.1	Grow the number and engagement of businesses associated with the Visitor Economy	Work with local operators in the provision of visitor services. Grow Regional Tourism Partnership program Inform industry regarding the Bathurst Region brand use and application	Number of tourism partners increased by 10%. Increased attendance at industry events annually	Manager BVIC	Tour and Event Sales increasing in volume on Bookeasy including Autumn Colours heritage tours and Heritage Trades Trail. 55 Operators engaged YTD with new booking engine. NPWS accommodation added. 3 operator renewals/new operators in April. 143 tourism partners as at end of April. 19 increase of 2.9% over 2018 equivalent period figure of 139 at end April 2018.	
2.6	Provide visitors and prospective visitors to the area with quality information and services.	Develop new tourism website Develop regional Tours and trails app Develop online booking capability Develop Destination Planner – print and online Create focused local range of retail products at BVIC	Tourism website operational. Tours and trails app available to public. Destination planner published. Increase of 15% in bookings through online booking portal Downloads of Bathurst region app increase by 15% VIC satisfaction rating of 80% or higher maintained Retail sales at BVIC increase by 10% annually	Manager BVIC	77% increase in users against April 2018, avg session duration +16.5%, bounce rate -6.4% App - Machattie Park tour recorded Destination Planner distributed locally and through AVIC network \$19,395 in bookings generated through booking portal. YTD bookings total \$76,346, with BVIC Commission of \$7,934 (new income this FY) 283 downloads of Step Beyond App BVIC rated 4.9/5 on Facebook, 4.3/5 on Google and 4.5/5 on TripAdvisor and 4.14/5 in recent Community Satisfaction research \$9,139 retail sales in April. 23.8% increase against \$7,384, in April 2018. YTD \$73,832 2.2% increase against 2017/18.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6	Effectively promote and market the Bathurst Region as a key destination	Develop new tourism website Develop Destination Planner – print and online Develop marketing campaigns based upon pillars of destination brand strategy	Growth in social media following by 20%. Increase in page views to Destination website by 20%.	Manager BVIC	Facebook followers increased by 2.5% to 9,060 YTD increase of 31.1% Instagram followers increased by 2.2% to 2,121, YTD increase of 23.9% 30,085 pageviews of visitbathurst website in April 2019, a 110.4% increase over equivalent period in 2018. YTD increase of 78.1%.	
2.6	Increase total number of visitors and overnight stays in the Bathurst region	Promote Bathurst region to niche and specialist markets as identified in Destination Management Plan and Brand strategy Develop annual events program from major (Tier 1) events to community level events	Day visitor number increase by 5% Overnight visitors increase by 8% Average length of stay increases by 10%	Manager BVIC	Launch PR campaign to boost overnight stays for Bathurst Heritage Trades Trail 79 Events promoted in April. 'What's On' sent to database of 1093 and via radio to inform VRF segment.	


## Destination Management



Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.6	Utilise the Destination Management Plan as a basis for marketing, promotion and tourism development	Implement the destination brand: Develop and implement 18 month-three year marketing plan. Publish image library for industry to access.	Marketing Plan adopted by council. > 100 images accessed and used.	Destination Development Manager	Project plan for new DMP complete & RFO process complete for new DMP community and industry engagement process  The three-year marketing plan was adopted by Council on 19 September 2018. Reviewed with DMP in December and in February against draft 2019/20 Operating Plan budget priorities.  120+ Images provided in shared Dropbox Folder. Nicola Bailey Photography shoot arranged May 10-11	
2.6	Support the Tourism Reference Group, which consists of a cross section of the industry	Improved collaboration between industry groups and Council.	6 meetings held > 75% level of attendance	Destination Development Manager	TRG Meeting held on 1 April with 5 members attending (42% attendance). YTD average of 66% attendance. Frequency of meetings has been reduced with alternate communication methods introduced.	
2.6	Connect with industry	Host ongoing tourism forums annually.	Annual forum on emerging industry trend hosted.	Destination Development Manager /	BVIC Manager attended Bathurst Heritage Trades Trail meetings, 2BS Brock, Tesla supercharger launch and HCCA committee. Partner meetings with Bathurst Tours, Spring Spectacular committee, Bathurst Historical Society, Jenolan Caves, St Joseph's Convent Perthville, Mayfield Garden, Rydges Mt Panorama.	
2.6	Set and measure benchmarks	Publish annual market intelligence report to strengthen knowledge and guide investment.	Report produced.	Destination Development Manager / Economic Development Manager	Literature review , product audit and stakeholder engagement list completed for DMP.  LGA specific research has been commissioned for 2019 with WRI through CENTROC Tourism Group	

## Environmental, Planning & Building Services




Council will manage growth and development in alignment with Council's and the NSW Government's planning instruments and controls, and continue forward planning through reviews of the Housing Strategy, Open Space Strategy and Transport and Parking Strategy. Adoption of a new Economic Development Strategy will identify opportunities for continued growth, mindful of Council's obligations to environmental stewardship, heritage conservation and good urban design.

### Environmental

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 5.2 5.4	Meet Council's responsibilities under the Companion Animals Act 1998 by continuing to provide community programs relating to responsible pet ownership	Complete Responsible Pet Ownership community programs  Maintain and enhance areas for off-leash recreation for dogs	Two Community desexing programs conducted  Pet Expo held  Educational radio interviews conducted weekly  Educational social media posts conducted monthly  Maintain Kerford Street Off Leash areas fortnightly  Install seating and dog agility equipment at small dogs off leash area by September 2018	Team Leader Regulatory Services	First program was completed from 18-30 November 2018, with 110 dogs and cats desexed. "Operation cat" was launched in January with subsidised desexing and microchipping available for up to 80 cats. Program being run in partnership with the Cat Protection Society.  Council hosted a Dog Behaviour and Responsible Pet Ownership presentation at BMFC in February 2019. The event had 350 attendees and was very well received by the community.  Conducted weekly by Senior Ranger.  Posts prepared and released in February 2019.  Contract for maintenance awarded in August 2018 and conducted regularly.  Seating and agility equipment was installed in early October 2018. Project now complete.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 5.4	Meet Council's responsibilities under the Companion Animals Act 1998 and Impounding Act 1993 by promptly responding to customer requests and implementing enforcement action for breaches	Investigate animal related complaints, including matters reported after hours  Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	95% of customer requests adopted to within corporate standards  100% response to customer requests reported out of hours	Team Leader Regulatory Services	97.12% responded to within adopted corporate standards during April.  100% responded to within adopted service standards.	
6.4	Meet Council's responsibilities under the Prevention of Cruelty to Animals Act 1979 and the Impounding Act 1993 in the operation of the Small and Large Animal Impounding Facilities	Operate Small Animal Pound at Vale Road site	Implement electronic impounding register by December 2018  Implement social media program to promote rehoming of impounded dogs and cats by December 2018  Increase the % of impounded dogs returned to owner or sold or released to welfare organisation  Increase the % of impounded cats returned to owner or sold or released to welfare organisation	Manager Environment/ Team Leader Regulatory Services	Liaison with IT staff ongoing. Interim solution under development.  Regular Facebook posts occurring.  Council receives many responses from the public and the program has been very successful in increasing the numbers of animals re-homed.  Promotion of available animals ongoing.  Council's website features dogs available for sale and impounded dogs where the owner is unknown.  Promotion of available animals ongoing.  Council's website features cats available for sale and impounded cats where the owner is unknown.	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.2	Explore opportunities to develop a best practice regional impounding facility	Actively engage with neighbouring Councils to develop a model for a regional impounding facility	<p>Seek confirmed participation in a regional impounding facility by August 2018</p> <p>Develop a governance model for a regional impounding facility by February 2019</p> <p>Develop operating procedures for a regional impounding facility by April 2019</p>	Manager Environment	<p>Other Councils are pursuing individual facilities.</p> <p>A regional pound facility is unlikely to proceed.</p>	
6.4 4.4 5.2 5.4	Meet Council's responsibilities under the Road Rules 2014 and Fines Act 1996	<p>Monitor and enforce parking regulations on public roads</p> <p>Implement a community education program regarding the Australian Road Rules</p>	<p>Daily monitoring undertaken</p> <p>Educational social media posts conducted monthly</p> <p>Review and update the educational information</p>	Team Leader Regulatory Services/ Parking Rangers	<p>Monitoring undertaken daily.</p> <p>100% of customer requests responded to within adopted service standards.</p> <p>Post prepared and with Communications Team.</p> <p>Minor updates completed in October 2018. Project ongoing.</p>	



Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 5.2	Meet Council's contractual obligations under the Local Government Act 1993 in monitoring and enforcing parking regulations in off street car parks	Monitor and enforce parking regulations in off street car parks in accordance with contractual obligations	100% compliance with contractual obligations	Team Leader Regulatory Services/ Parking Rangers	All of Council's contractual obligations met in April 2019.	
3.1 3.2 3.3 3.4 6.4 1.4	Meet Council's responsibilities under the Protection of the Environment Operations Act	Investigate customer requests and pollution incidents  Undertake regulatory action consistent with Council's Enforcement Policy for identified breaches	95% of customer requests responded to within adopted corporate standards	Manager Environment/ Environmental Officers	100% of customer requests responded to within adopted corporate standards during April.	
3.3 3.5 6.1	Continue to improve the community's awareness and capacity with regard to environmental sustainability	Communicate sustainability messages via a range of on-line and traditional media sources  Conduct sustainability education programs	Weekly posts on the @sustainablebathurst Facebook page  Conduct Sustainable Living Expo in March 2019  Conduct a sustainability education program targeting primary school aged students by December 2018	Manager Environment/ Environmental Officers	Several posts each week on the @sustainablebathurst Facebook page during February with posts on water wise workshops and promotion of the new electric vehicle charging stations.  The SLE was held on 23 March 2019 with an excellent crowd in attendance, supported by a record number of stallholders. Keynote speakers and workshops were very well received.  Thirteen schools awareness grants for a range of projects which are all complete. A newsletter providing details of the projects was delivered to schools in December 2018.	

Delivery Program 2018-2022 & Annual Operational Plan 2018/2019






Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
3.1 3.2 6.4	Implement Council's Onsite Sewage Management Strategy and meet Council's obligations under the Local Government Act 1993	Conduct inspections and issue approvals for existing onsite sewage management systems without approvals or requiring renewal	Increase the number of onsite sewage management systems with a current approval to operate  Review and update the Onsite Sewage Management Strategy by January 2019	Manager Environmental/ Environmental Officers	Inspections conducted regularly in April and approvals issued where appropriate.  Council at its Policy meeting in March resolved to place the Strategy on public exhibition.	
3.1 3.4 3.5 1.4	Meet Council's obligations under the Local Government Act 1993 and community expectations to manage, restore, enhance and conserve the natural environment	Implement the Urban Waterways Management Plan  Implement the Biodiversity Management Plan  Implement the Pest Bird Management Plan  Implement the Roadside Vegetation Management Plan	Implement a priority project identified in the Urban Waterways Management Plan.  Implement a priority project identified in the Biodiversity Management Plan.  Implement a priority project identified in the Pest Bird Management Plan  Implement a priority project in the Roadside Vegetation Management Plan	Manager Environmental/ Environmental Officers/ Sustainability Strategy Officer	Insufficient funds available for capital works in Sawpit Creek as grant reserve has been removed. Options for detailed designs to be prepared for future project currently being explored.  Biodiversity stewardship site opportunities currently being assessed with field work completed in October 2018. Report finalised with Council feedback in February 2019.  Pigeon surveys conducted weekly during August and November 2018. Pigeon cull conducted on 26 & 27 August in CBD, and in Keppel Street in December 2018. A further cull was conducted in late April 2019, including Keppel Street  Grant funding received from US which will assist in achieving a priority action in the Yetholme area. Field surveys of Purple Copper Butterfly completed in October 2018. Contractor completed the weed removal works in February and March 2019.	





Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
3.5 3.3 6.6	Implement energy efficiency and renewable energy projects at Council facilities	Identify and prioritise energy efficiency projects at Council facilities	Install a solar array at the Bathurst Aquatic Centre	Manager Environment/ Sustainability Strategy Officer	Request for Quotation released for the preparation of a detailed design in November. Unfortunately no quotation proposals were received.  Contract awarded in April for the design and installation of a 100kW array. Inception meeting held and applications to Essential Energy submitted.  Not commenced.	
3.1 3.4 6.4 1.4 4.6	Meet Council's obligations under the Biodiversity Conservation Act 2016, Fisheries Management Act 1994 and Water Management Act 2000	Ensure the assessment of development applications meets all of the requirements of the Biodiversity Conservation Act 2016, Fisheries Management Act 1994 and other relevant planning policies	Design and install a solar shade structure for the Elizabeth Street car park  Implement a renewable energy project through the Revolving Energy fund  Implement an energy efficiency upgrade at Council facility	Number of development applications assessed and professional advice provided  Manager Environment/ Environmental Officers/ Sustainability Strategy Officer	Request for quotation documents currently being prepared for a project at the NIMRM.  22 DAs assigned and assessed in April 2019.	
	Meet Council's obligations under SEPP55 and related planning policies	Investigate opportunities for the establishment of biodiversity stewardship sites under the Biodiversity Conservation Act 2016	Identify three priority Council owned sites for assessment as biodiversity stewardship sites		Consultant engaged to assess the suitability of various Council owned parcels of land as stewardship sites. Report finalised in February 2019. Project complete.	




Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.3 3.3 5.2	Contribute to the development of Bathurst as a Smart City	<p>Ensure that Council activities are compliant with the requirements of the Biodiversity Conservation Act 2016</p> <p>Ensure the assessment of development applications meets all of the requirements of SEPP55 and Council's Contaminated Land Policy</p> <p>Identify the optimum efficiency LED luminaires for the street lighting upgrade</p> <p>Identify the optimum technology for smart controls to be incorporated into LED street lighting upgrade</p> <p>Establish Bathurst as an EV charging destination</p>	<p>Formulate a workflow procedure to ensure that all Council activities are compliant with the requirements of the relevant legislation by February 2019</p> <p>Complete a pilot trial of LED street lights at identified trial sites by September 2018</p> <p>Complete upgrade of all standard P3, P4 and P5 street lights to LED luminaires.</p> <p>Install Tesla supercharger station by August 2018</p> <p>Identify and install CBD universal EV charge station sites</p> <p>Complete a feasibility study for the integration of</p>	<p>Manager Environment/ Environmental Officers/ Sustainability Strategy Officer</p>	<p>Informal workflow currently in place. Further work required to formalise this process.</p> <p>Advice provided on numerous DA's during April. Discussions with land owners and potential purchasers also held during April.</p> <p>Main trial locations installed between July and September 2018. An additional trial location negotiated with Essential Energy and will be implemented in June 2019, after many delays.</p> <p>Extensive liaison with Essential Energy ongoing. Locations of P3, P4 and P5 luminaires approved by Department Heads in April 2019.</p> <p>Tesla supercharger installation was completed in March 2019 and NRMMA universal installation completed in April 2019. Both sites officially launched in April 2019.</p> <p>Potential CBD charge sites have been identified, assessed by an electrician and prioritised.</p> <p>Joint submission made for grant funding for chargers in rural villages made in April 2019. Financial model for feasibility study complete.</p>	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
3.3 3.5 6.4 3.1	Meet Council's statutory reporting obligations under the Local Government Act 1993	Monitor the operational footprint of Council's operations and report on trends identified.  Measure and collate the trends in environmental condition across the Local Government Area	Collate data and prepare the annual State of Environment Report by 30 November 2018	Manager Environment/ Sustainability Strategy Officer	Regional SOE was adopted by Council at its Ordinary meeting in November 2018. The report is published on Council's website.  Data collection ongoing.	
6.4 5.4	Meet Council's obligations in the Food Regulation Partnership and the Food Act 2003	Conduct a program of inspections of food premises including home-based food premises and Bed & Breakfast establishments to ensure compliance with regulations	Conduct an inspection of all high and medium risk food premises by June 2019  Implement a risk based inspection program for B&B and home-based food premises  Prepare and distribute educational material on food safety three times annually  95% of customer requests responded to within adopted corporate standards	Manager Environment/ Environmental Health Officers	45 food premises, and 0 temporary food premises, inspected in April.  No B&B inspections in the month of April.  Food safety newsletter prepared and distributed in December 2018.  No food related complaints received in April 2019.	



Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
6.4 5.4	Meet Council's obligations under the Public Health Act 2010 and associated regulations	Conduct a program of inspections of skin penetration premises, public swimming and spa pools and cooling towers	<p>Conduct an inspection of all skin penetration premises</p> <p>Conduct an inspection of all public swimming pools and spa pools</p> <p>Participate in training to determine Council's role in Legionella management and the inspection of cooling towers</p> <p>95% of customer requests responded to within adopted corporate standards</p>	Manager Environmental/ Health Officers	<p>No inspections conducted in April 2019.</p> <p>No inspections of public swimming pools completed in April 2019. All premises have now been inspected at least once, and reinspections conducted where necessary.</p> <p>Training attended on 7 November 2018.</p> <p>Letters sent to all system owners advising of the changes to the regulations in January.</p> <p>100% responded to within adopted service standards during April. All related to overgrown premises/vermin concerns.</p>	

## Planning



Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
1.5 2.1 3.3 4.6 5.5 6.4	Prepare relevant planning proposals to ensure Council's planning controls remain relevant and up to date.	Prepare draft LEP and DCP amendments.	Planning proposals referred to NSW Department of Planning & Environment for gazettal	Manager Strategic Planning	<ol style="list-style-type: none"> <li>1. House Keeping LEP Amendment – Planning proposal drafted. Awaiting Gateway Determination from Department of Planning &amp; Environment.</li> <li>2. Moveable and Monumental Heritage LEP Amendment – Planning proposal being prepared.</li> <li>3. Limekilns Road LEP and DCP Amendment – Adopted by Council. Gazetted.</li> <li>4. Bathurst Regional Development Control Plan 2014 – Major Review – report presented to Council at July meeting to commence review. Signage and notification chapters being reviewed.</li> <li>5. Bathurst Regional DCP 2014 – Housekeeping Amendment – Completed 31/8/18.</li> <li>6. Community Participation Plan –public exhibition completed.</li> <li>7. Health Services LEP Amendment in RE2 Private Recreation Zone – awaiting Gateway Determination from Department of Planning &amp; Environment.</li> <li>8. Bathurst Region DCP Amendment – Milltown Cemetery and Wattle Flat Mining Archaeological Sensitivity – adopted.</li> <li>9. Bathurst Regional DCP 2014 – Vegetation SEPP update – proposed provisions on public exhibition.</li> </ol>	
1.5 2.1 3.3 4.6 5.5 6.4	Investigate relevant land use and planning issues of the Bathurst Region.	Prepare studies and plans. 1. Laffing Waters Master Plan. 2. Bathurst Integrated Transport Plan.	Draft studies/plans are prepared by 30 June 2020	Manager Strategic Planning	<ol style="list-style-type: none"> <li>1. Bathurst Region Open Space Strategy – draft Strategy being finalised.</li> <li>2. Stewart/Durham Street Intersection investigations – Plan completed. Adopted by Council.</li> <li>3. Laffing Waters Master Plan – Project underway.</li> </ol>	

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
4.1 4.6 6.4	Review and update Council's section 7.11 plans.	Review existing or prepare new s7.11 Plans.	Draft plans considered and adopted by Council	Manager Strategic Planning	<ol style="list-style-type: none"> <li>Stormwater drainage – draft study/plan being prepared.</li> <li>Bathurst Region Open Space – valuations report received; Plan being reviewed.</li> </ol>	
1.1 1.2 1.5 4.6 5.5	Implement the Bathurst Regional Heritage Strategy 2014-2017.	Provide a Heritage Advisory Service.	Number of site visits undertaken by the heritage advisory service.	Manager Strategic Planning	<ol style="list-style-type: none"> <li>Total site visits since 1 July 2018 – 106. New Heritage Advisor appointed.</li> <li>2018/19 Bathurst Region Local Heritage Fund - 59 projects have been offered funding. Applications for 2019/20 being called.</li> <li>2018/19 Bathurst Region Interpretation Fund – 11 projects have been offered funding. Applications for 2019/20 being called.</li> </ol>	
		Provide heritage incentive funding programs to protect, maintain, enhance and promote the regions heritage assets.	Value of works generated from Council's incentive funds.	Manager Strategic Planning		

Delivery Program 2018-2022 &amp; Annual Operational Plan 2018/2019




Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
		Prepare and implement projects for the interpretation and display of cultural heritage and history information.	New interpretative / promotional information made available.	Manager Strategic Planning	Nominations for 2019 Pillars of Bathurst finalised and plaques manufactured.	
		Prepare research/studies into the regions heritage values	Studies/plans considered and adopted by Council. Number of local heritage items included in the Local Environmental Plan.	Manager Strategic Planning	<ol style="list-style-type: none"> <li>1. Bathurst Heritage Conservation Area Review - draft report finalised. To be exhibited at the end of April.</li> <li>2. Archaeological Assessment - 128 Bentinck Street - Archaeologist appointed - draft report received for review by Council.</li> <li>3. Building Conservation and Restoration Strategy for Headmasters Residence (former TAFE site) - final report received.</li> </ol>	

Development Assessment




Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date			Status
					April 2019	NSW State Average 2014-2015	Bathurst Regional Council	
1.5 4.1 4.6 6.4	Ensure the assessment of development and other applications, in accordance with planning instruments, development control plans and policies, occurs within appropriate timeframes.	Process all development applications within statutory time frames set out in the Environmental Planning and Assessment Act 1979.	To be at or below the state average for determination times of development applications	Manager Development Assessment	Average gross days taken to determine a DA	71	30.59	
					Average nett days taken to determine a DA	48	29.89	
					April 2019	NSW State Average 2014-2015	Bathurst Regional Council	
			To be at or below the state average of determination times for complying development	Manager Development Assessment	Average days taken to determine a CDC	22	2.20	



## Economic Development

Bathurst 2040 Objective reference	Delivery Program actions 2018-2022	Annual Operational Plan Projects / Tasks 2018/2019	Performance Measure	Responsible Officer	Action Year to Date	Status
2.1 2.2 2.3 2.4 2.6 4.1 4.5 5.5 6.3	Implementation of the Economic Development Strategy 2018-2022 and associated actions.	Nurture economic infrastructure development by supporting the development of the aerodrome, industrial precincts and telecommunications.	Seek funding for economic infrastructure projects.	Manager Economic Development	Mobile Black Spot Funding for Limekilns, Sunny Corner, Rock Forest, Sofala and Wattle Flat. EOI submitted for Aerodrome under the Growing Local Economies Fund. Business Case underway. Business case submitted for Growing Local Economies Fund (Kelso Industrial Park).	
		Market-leading promotional campaigns and events through continued participation in Evocities, destination marketing, and maintenance of promotional assets.	Representation at all Evocities meetings. All 4 entrance billboards and signs updated.	Manager Economic Development	Evocities Steering Committee and Operations Group meetings attended. Existing Welcome signs updated and 3 additional signs manufactured for Vale, O'Connell and Sofala Roads. Bathurst Region site deactivated and content moved to new destination site.	
		Support local business growth, partnerships and skill development through management of Councils business database (eNewsletters), business cluster groups, business management programs, business events and the ID platform.	12 eNewsletters issued. Manufacturing and technology cluster groups activated Run BizMonth, Gift Card and Business Leaders Lunch programs.	Manager Economic Development	All monthly eNewsletters sent. BBRF grant application successful to activate industry clusters. 2018 BizMonth campaign completed with sponsorship from Commonwealth Bank, Verto, CSU and Rydges. 2018 Drought Buster Gift card Promotion completed.	

Delivery Program 2018-2022 &amp; Annual Operational Plan 2018/2019

	<p>Develop a Precinct Activation Program, support local start-up hubs and manage Council's relationship with the Business Chamber.</p>	<p>Program developed and adopted. Attendance at 75% of Business Chamber After-Hours events. Representation at all "Upstairs" board meetings and implementation of a marketing campaign for "Upstairs".</p>	<p>Manager Economic Development</p>	<p>Chamber Business Expo attended 24 July. MOU signed with the Bathurst Business Chamber. Upstairs Board meetings attended and marketing campaign completed. Carillon Business Awards attended. Chamber Christmas Party hosted at Mount Panorama Pit Complex.</p>	
	<p>Grow local employment, investment and attract new businesses</p>	<p>Organise the Bathurst Jobs Expo with 40 stalls and minimum 1,500 attendees. Minimum of 60 new jobs loaded on Evojobs each month. Develop relocation proposals, relocation materials and support the relocation of new businesses.</p>	<p>Manager Economic Development</p>	<p>Jobs Expo completed and confirmed sponsorship from TAFE NSW. 58 stalls &amp; 2,250 attendees. 1588 jobs loaded to date. Qantas Pilot Training Academy submission unsuccessful.</p>	
	<p>Develop Bathurst into a Smart City. Support innovative practices from industry.</p>	<p>Smart City Plan developed and adopted. Monthly Project Group meetings held. Seek funding and roll out Smart City priority projects.</p>	<p>Manager Economic Development</p>	<p>Smart City Plan development underway. Community consultation workshops completed. Monthly meetings held. Smart Cities Round 2 grant application unsuccessful. Sydney Smart City week attended.</p>	

2018-2019 Section 356 Donations  
Report as at 30 April 2019

Details	Reference	Date	Standard Annual Donations	Specific Donations	Sundry Donations	Mt Pan Fee Waived	BMEC Donations	TOTAL
			\$	\$	\$	\$	\$	\$
<b>Annual Budget Spent to date:</b>			<b>64,520.00</b>	<b>53,416.00</b>	<b>27,058.28</b>	<b>41,333.00</b>	<b>62,053.82</b>	<b>248,381.10</b>
Bathurst City Community Club	DCS&F 18/07/18 Item 5b	25/07/2018			-3,654.13			-3,654.13
City Colts Water Account	Operation Plan	25/07/2018	-4,717.85					-4,717.85
Bathurst Arts Council - Annual Youth Arts Awards	DCS&F 18/07/18 Item 5c	31/07/2018			-1,000.00			-1,000.00
National Cool Climate Wine Show - 20th Anniversary	DCS&F 18/07/18 Item 5d	31/07/2018			-1,500.00			-1,500.00
Central Tablelands Woodcraft	DCS&F 18/07/18 Item 5e	31/07/2018			-700.00			-700.00
Monkey Hill UHF Repeater	Operation Plan	31/07/2018	-800.00					-800.00
2BS Junior Sports Awards	Operation Plan	31/07/2018	-5,000.00					-5,000.00
Macquarie Philharmonia - Platinum Donation	Operation Plan	31/07/2018	-2,500.00					-2,500.00
Sofala & District AH&P Association	Operation Plan	31/07/2018	-350.00					-350.00
Sofala Progress Association	Operation Plan	31/07/2018	-2,500.00					-2,500.00
Bathurst Information and Neighbourhood Centre	Operation Plan	31/07/2018	-800.00					-800.00
Bathurst City & RSL Band Association Inc	Operation Plan	31/07/2018	-5,000.00					-5,000.00
3rd Bathurst (All Saints Cathedral) Scout Group	Operation Plan	31/07/2018		-490.00				-490.00
Central Tablelands Woodcraft	Operation Plan	31/07/2018		-500.00				-500.00
Bathurst Seymour Centre Inc	Operation Plan	31/07/2018		-3,500.00				-3,500.00
Miss Trail's House & Garden	Operation Plan	31/07/2018		-1,250.00				-1,250.00
Hill End & Tambaroora Gathering Group	Operation Plan	31/07/2018		-400.00				-400.00
Bathurst City Mens Bowling Club - Carillon Fours	Operation Plan	31/07/2018		-2,500.00				-2,500.00
Evans Arts Council	Operation Plan	31/07/2018		-1,200.00				-1,200.00
Bathurst Refugee Support Group Inc	Operation Plan	31/07/2018		-3,000.00				-3,000.00
Quota International of Bathurst - QuoCKa reading	Operation Plan	31/07/2018		-1,000.00				-1,000.00
Peel Residents Association Incorporated	Operation Plan	31/07/2018		-2,606.00				-2,606.00
Bathurst Edgell Jog	Operation Plan	31/07/2018		-13,000.00				-13,000.00
Kelso High School - Crimson Royale album launch	S356 Policy	31/07/2018					-359.27	-359.27
Blayney High School - SLSO Conference - Making a Difference	S356 Policy	28/08/2018					-495.09	-495.09
Kelso High School - Future Directions forum	S356 Policy	28/08/2018					-574.91	-574.91
BMEC - CPSA July Meeting	Operation Plan	28/08/2018					-1,157.95	-1,157.95
BMEC - CPSA Aug Meeting	Operation Plan	28/08/2018					-1,065.68	-1,065.68
Camp Quality's Escarpade - Street Banner	DCS&F 16/05/18 Item 6	3/09/2018			-1,450.00			-1,450.00
Glenray Fundraising Ball	Operation Plan	14/09/2018					-70.18	-70.18
Home Modification Tip Fees	Operation Plan	14/09/2018	-216.00					-216.00
Sofala Progress Association - Rebellion on the Turon	Operation Plan	26/09/2018		-5,000.00				-5,000.00
CSU Parent Information Evening	Operation Plan	27/09/2018					-53.09	-53.09
Mitchell Conservatorium Winter Showcase	Operation Plan	27/09/2018					-1,473.07	-1,473.07
WRAS Annual Subscription/donation	Operation Plan	27/09/2018	-2,347.00					-2,347.00
Newtons Nation 2018 IDF World Cup	DCS&F 19/09/18 Item 6	30/09/2018				-12,717.27		-12,717.27
Home Modification Tip Fees	Operation Plan	18/10/2018	-122.91					-122.91
Nissan Datsun Drivers Club - Bathurst 2018 Rally	DCS&F 19/09/18 Item 8	18/10/2018				-2,000.00		-2,000.00
Panorama Motorcycle Club - camping application	DCS&F 17/10/18 Item 8	18/10/2018				-252.00		-252.00
Meadow Flat Public School - presentation night	S356 Policy	31/10/2018			-60.00			-60.00
Morgan Owners Club of Aust 60th Anniversary	Operation Plan	31/10/2018				-2,500.00		-2,500.00
Home Modification Tip Fees	Operation Plan	18/10/2018	-661.09					-661.09
Bathurst West Public School - presentation day	S356 Policy	14/11/2018			-60.00			-60.00
Bathurst Public School - mid year concert	S356 Policy	28/11/2018					-1,855.09	-1,855.09
Camp Quality's Escarpade - Mt Pan charges	DCS&F 16/05/18 Item 6	30/11/2018				-1,904.00		-1,904.00
Camp Quality's Escarpade - BMEC hire	DCS&F 16/05/18 Item 6	30/11/2018					-1,956.74	-1,956.74
Camp Quality's Escarpade - Street Banner charge	DCS&F 16/05/18 Item 6	30/11/2018			-622.00			-622.00
Rockley Public School - presentation day	S356 Policy	5/12/2018			-60.00			-60.00
Catholic Education Office - Youth Ministry Concert	S356 Policy	14/12/2018					-301.45	-301.45
The Scots School - Blue, Black & Gold ball	S356 Policy	14/12/2018					-301.45	-301.45
MacKillop College - presentation day	S356 Policy	14/12/2018					-301.45	-301.45
BMEC - Bathurst Eisteddfod 2018	Operation Plan	19/12/2018					-30,000.00	-30,000.00
BMEC - Bathurst Eisteddfod 2018 20% Community	S356 Policy	19/12/2018					-10,018.64	-10,018.64
Bathurst Remembers / AVAMS / Communications and Resources Project	Operation Plan	31/12/2018		-5,000.00				-5,000.00
BMEC - CPSA Oct Meeting	Operation Plan	31/12/2018					-1,011.82	-1,011.82
BMEC - CPSA Nov Meeting	Operation Plan	31/12/2018					-1,025.91	-1,025.91
BMEC - CPSA Dec Meeting	Operation Plan	31/12/2018					-1,068.18	-1,068.18
Carenne School Presentation Day	S356 Policy	31/12/2018					-186.18	-186.18
Bathurst Public School Presentation Day	S356 Policy	31/12/2018					-171.64	-171.64
Bathurst Small Schools Visual Arts Performance	S356 Policy	31/12/2018					-547.64	-547.64
Eglinton Country Fair Gold Sponsorship	DCS&F 12/12/18 Item 8	31/12/2018			-500.00			-500.00
City Colts Water Account	Operation Plan	30/01/2019	-1,782.15					-1,782.15
Eglinton District Tennis Club	Operation Plan	31/01/2019	-4,400.00					-4,400.00
Bathurst City Amateur Swimming Club	Operation Plan	31/01/2019	-3,490.00					-3,490.00
Bathurst Carillon Tennis Club	Operation Plan	31/01/2019	-4,800.00					-4,800.00
Bathurst Giants ARFC	Operation Plan	31/01/2019	-1,800.00					-1,800.00
Bathurst BMX Club	Operation Plan	31/01/2019	-2,500.00					-2,500.00
Bathurst Family Fun Day	DCS&F 6/2/19 Item 5	19/02/2019			-500.00			-500.00
Bathurst City Community Club	DCS&F 21/11/18 Item 4	28/02/2019			-13,408.28			-13,408.28
Sofala Progress Association - Rebellion on the Turon	DCS&F 21/11/18 Item 7	27/03/2019			-1,500.00			-1,500.00
Bathurst AH&P Association	Operation Plan	28/03/2019	-6,363.64					-6,363.64
CSU Foundation Trust	Operation Plan	31/03/2019	-5,000.00					-5,000.00

2018-2019 Section 356 Donations  
Report as at 30 April 2019

Details	Reference	Date	Standard Annual Donations \$	Specific Donations \$	Sundry Donations \$	Mt Pan Fee Waived \$	BMEC Donations \$	TOTAL \$
BMEC - CPSA Feb Meeting	Operation Plan	5/04/2019					-972.73	-972.73
BMEC - CPSA Mar Meeting	Operation Plan	11/04/2019					-1,348.63	-1,348.63
Newtons Nation 2019 (ASRA)	DCS&F 21/11/18 Item 5	30/04/2019				-11,769.00		-11,769.00
EJ-EH Holden Nationals Display	DCS&F 21/11/18 Item 6	30/04/2019			-2,500.00			-2,500.00
Bathurst AH&P Association	DCS&F 18/07/18 Item 5a	30/04/2019			-1,244.00			-1,244.00
Bathurst Street & Custom Motorcycle Show	Operation Plan	30/04/2019		-5,800.00				-5,800.00
Bathurst Arts Council - Annual Youth Arts Concert	DCS&F 18/07/18 Item 5c	30/04/2019					-1,363.64	-1,363.64
<b>Amount Spent</b>			<b>-55,150.64</b>	<b>-45,246.00</b>	<b>-28,758.41</b>	<b>-31,142.27</b>	<b>-57,680.43</b>	<b>-217,977.75</b>
<b>Available Balance before commitments</b>			<b>9,369.36</b>	<b>8,170.00</b>	<b>-1,700.13</b>	<b>10,190.73</b>	<b>4,373.39</b>	<b>30,403.35</b>
<b>Committed:</b>								
CSU Foundation Trust (Gordon Bullock Scholarship)	Operation Plan		-3,000.00					-3,000.00
Evans Arts Council	Operation Plan		-2,770.00					-2,770.00
Rotary Club of East Bathurst - RYDA	Operation Plan					-4,333.00		-4,333.00
Mitchell Conservatorium - BMEC Concerts	Operation Plan						-5,526.93	-5,526.93
BMEC - Bathurst Youth Council	Operation Plan						-2,000.00	-2,000.00
BMEC - CPSA Monthly Meetings	Operation Plan						-3,349.10	-3,349.10
Bathurst Arts Council - Annual Youth Arts Concert	DCS&F 18/07/18 Item 5c						-1,500.00	-1,500.00
GRIP Leadership 2019 - Bathurst Primary School	DCS&F 21/11/18 Item 8						-331.60	-331.60
<b>Amount Committed</b>			<b>-5,770.00</b>	<b>0.00</b>	<b>0.00</b>	<b>-4,333.00</b>	<b>-12,707.63</b>	<b>-22,810.63</b>
Adjustment between Funds			-3,599.36	-8,170.00	1,700.13	-5,857.73	15,926.96	
<b>Available Balance</b>			<b>0.00</b>	<b>0.00</b>	<b>-0.00</b>	<b>-0.00</b>	<b>7,592.72</b>	<b>7,592.72</b>

Summary Remaining Budget	\$
Standard Annual Donations	0.00
Specified Donations	0.00
Sundry Donations	-0.00
Mt Pan Fee Waived	-0.00
BMEC Donations	7,592.72
<b>Total Remaining</b>	<b>7,592.72</b>

Summary	\$
Total Budget	248,381.10
Less: Amount Spent	-217,977.75
Less: Amount Committed	-22,810.63
<b>Total Remaining</b>	<b>7,592.72</b>

## Market Rental Subsidies for 2018/19

NAME OF TENANT	LOCATION	Current Rent PA	Estimated Market Rent	BRC Rental Subsidy
Mitchell Conservatorium	Machattie Park Cottage	446.68	16,120.00	15,673.32
Central Tablelands Woodcraft Inc.	Learmonth Park	544.00	15,000.00	14,456.00
Community Opportunity Shop Inc	8 Lions Club Drive	1,040.00	20,000.00	18,960.00
Community Opportunity Shop Inc	Veggie Patch Church Lane	1.00	15,000.00	14,999.00
Air Services Australia	Aerodrome - Communicatic	1.10	18,000.00	17,998.90
Taxi Cabs of Bathurst Co-operative Society L	Communication tower	1,215.62	18,000.00	16,784.38
Master Communications & Electronics Pty Lt	Communication tower	4,400.00	18,000.00	13,600.00
Bathurst City & RSL Band Association	Walmer Park	228.20	20,000.00	19,771.80
Bathurst Lions Club Inc.	Short St	1.10	15,000.00	14,998.90
Evans Arts Council Inc.	Lee Street	500.00	5,000.00	4,500.00
Bathurst District Historical Society Inc.	Mitre Street	1.00	10,000.00	9,999.00
Bathurst District Historical Society Inc.	Stanley Street	1.00	10,000.00	9,999.00
Bathurst Meals on Wheels Service Inc	4 Watt Drive	1.10	50,000.00	49,998.90
				<b><u>221,739.20</u></b>

## Addendum A

Council adopted the following criteria to provide clarification and assistance when dealing with the Code of Conduct Procedures.

### Criteria 1

Any approach to the defining of access rights of people to the Code of Conduct - Reporting of Breaches, Complaint Handling Procedures and Sanctions process, must begin with the understanding that:

- (a) criticism and complaints are a legitimate and necessary part of the relationship between Councils and their customers or communities, and may be dynamic forces for improvement within Councils, and,
- (b) nobody, no matter how much time and effort is taken up in responding to his or her complaints or concerns, should be unconditionally deprived of the right to have those concerns addressed.

As Councils also have an obligation to use resources efficiently and effectively, at some point it may be necessary and reasonable for the Council to decide to limit the nature or scope of its responses to difficult complainants. However, these situations should be the exception rather than the rule.

### Criteria 2

Any allegations that the Code of Conduct Committee is unlawfully constituted because it does not give notice of its meetings and permit Councillors who are not members of the Committee to attend in breach of the Local Government Act have no foundation in law and will not be acted upon (refer BRC's General Manager's Ordinary Report No 6, 15 March 2006).

### Criteria 3

A complaint that deals with the same subject matter as a previous complaint that has been dealt with under the Code of Conduct process, and does not provide substantive new information shall not be reconsidered (Refer BRC's Code of Conduct Committee: Report No 3, 19 April 2006 and No 1, 21 June 2006).

### Criteria 4

It is not a matter for the Code of Conduct to stifle debate, even if it is robust debate. Debate in the Chamber is a matter for control at the meeting. (Refer BRC's Code of Conduct Committee Report No 3, 19 April 2006).

### Criteria 5

Matters outside the jurisdiction of the Council will not be investigated.

### Criteria 6

There will sometimes be occasions where a complaint which might otherwise justify investigations should not or cannot be pursued eg: where issues raised in the complaint occurred a long time ago (in such cases it may be difficult to track witnesses and/or documents, recollections of events will be limited and evidence unavailable as a result of the passage of time).

Consideration of such factors can be taken into account when considering complaints.

### Criteria 7

Complaints that do not raise substantive issues but are a vehicle of abuse of Councillors, members of staff and delegates, will not be referred to the Code of Conduct Committee.

#### Criteria 8

Where a person's behaviour becomes so unreasonable the Code of Conduct process will have regard to the following behavioural triggers.

It is important to note that the mere fact that a complainant is persistent, makes demands or may be angry does not mean that their conduct is unreasonable. "Unreasonableness" needs the conduct to go beyond the norm of situational stress that many complaints experience (Refer also Criteria 1).

#### 1. Unreasonable Persistence:

- persisting with a complaint even though it has been comprehensively considered by an agency, and all avenues of review have been exhausted.
- reframing a complaint in an attempt to get it taken up again.
- showing an inability to accept the final decision.
- insisting that a particular solution is the correct one in the face of valid contrary or alternative arguments.
- persisting in interpreting the law or policy in a way that is not in accordance with generally accepted or expert views on the issue and insisting that action be taken accordingly.
- persisting in wanting to know where to go next, when it has been explained that there is nowhere else to go.
- demanding a review because it is available, but not arguing a case for a review.
- making an issue out of anything.
- getting gratification from the process of regular contact with the case officer, possibly including inventing unnecessary reasons for having such contact.

#### 2. Unreasonable Demands:

- insisting on outcomes that are unattainable.
- insisting on a "moral" outcome, eg justice in the community interest, when really a personal interest is at stake.
- demanding an apology or compensation when no reasonable basis for expecting such outcomes exists.
- wanting revenge, retribution.
- wanting what is not possible or appropriate, eg copies of sensitive documents, names and contact details of staff, other complainants or whistleblowers.
- issuing instructions and making demands about how a complaint should be handled.
- providing supporting details that are extraordinarily detailed when such detail is not relevant to the complaint.
- making unreasonable resource demands, out of proportion to the seriousness of issue.
- wanting regular and lengthy phone contact where this is not warranted.
- showing reactions or demand for action that are out of proportion to the significance of the issue.
- moving the goal posts - changing the desired outcome.
- shopping for a sympathetic ear in the agency - demanding to talk to a supervisor or the Manager personally.
- placing the agency on an extensive email copy list and expecting responses to these emails.
- consistently creating complexity where there is none.
- presenting as overly needy or dependent (eg wanting to transfer responsibility for their well-being to the complaint handler or agency).

3. Unreasonable lack of co-operation:

- presenting a large quantity of information which is not organised, sorted, classified, summarised, where the complainant is clearly capable of doing this.
- presenting information in dribs and drabs - refusing to present all information at the outset.
- refusing to define issues of complaints "the attached (usually a large quantity of information) speaks for itself" - where the complainant is clearly capable of doing this.
- focusing on principles rather than substantive issues.
- changing the complaint and raising new issues while the complaint is in the process of being considered.
- displaying unhelpful behaviour, eg withholding information, being dishonest, misquoting others, swamping the agency with documents.

4. Unreasonable arguments:

- holding irrational beliefs, eg seeing cause and effect links where there are clearly none.
- holding what is clearly a conspiracy theory unsupported by any evidence.
- interpreting facts in a clearly irrational/unreasonable way and insisting this interpretation is the correct one.
- insisting on the importance of an issue that is clearly trivial.
- arguing the clearly bizarre.

5. Unreasonable behaviour:

- displaying confronting behaviour, eg rudeness, aggression, threats or harassment.
- sending rude, confronting or threatening letters.
- making threats of self harm.
- making threats of harm to others.
- displaying manipulative behaviour (overly ingratiating, tears or veiled



# **Bathurst Regional Council Code of Conduct**

**Adpoted May 2019**

## **PART 1 INTRODUCTION**

This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

**PART 2 DEFINITIONS**

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>

mayor	includes the chairperson of a county council
members of staff of a council	includes members of staff of county councils
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
wholly advisory committee	a council committee that the council has not delegated any functions to

## **PART 3 GENERAL CONDUCT OBLIGATIONS**

### General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council's administrative requirements or policies
  - c) is improper or unethical
  - d) is an abuse of power
  - e) causes, comprises or involves intimidation or verbal abuse
  - f) involves the misuse of your position to obtain a private benefit
  - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

### Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

### Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

### Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and

b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

#### Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

#### Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly.

You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

#### Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

#### Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or

- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

## **PART 4      PECUNIARY INTERESTS**

### What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.



What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

- (a) your interest as an elector
- (b) your interest as a ratepayer or person liable to pay a charge
- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
  - ii) security for damage to footpaths or roads
  - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,

- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

#### What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

#### What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

#### What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

#### What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

#### Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and
  - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

#### Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.

- 4.30 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.31 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.32 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.33 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.34 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.35 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.36 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and

(b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.37 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

4.38 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## **PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**

### What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation

to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.



- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.



5.17 For the purposes of this Part:

- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

#### Loss of quorum as a result of compliance with this Part

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

### Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

### Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

## PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
  - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

### Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

### How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council’s gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

#### Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

#### Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

#### “Cash-like gifts”

6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

#### Improper and undue influence

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

## **PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

### Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

7.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
- b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
- c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of the council’s contractors, including the council’s legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

#### Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

- 7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

#### Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators



- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## **PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

### Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### Councillors and administrators to properly examine and consider information

8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

### Refusal of access to information

8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

### Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

- a) subject to clause 8.14, only access council information needed for council business
- b) not use that council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

### Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body



- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

### Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

### Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

### Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

### Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

### Councillor access to council buildings

8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

## **PART 9      MAINTAINING THE INTEGRITY OF THIS CODE**

### Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

### Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

## **SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

### Part 1: Preliminary

#### Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

#### Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Part 2: Pecuniary interests to be disclosed in returns

### Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.



### Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

### Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.



16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - required to apply its profits or other income in promoting its objects, and
  - prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

*close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

*property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

#### Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

#### Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

#### Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
  - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
  - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
  - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
  - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

#### Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

## **SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21**

### 'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

### Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

#### A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

#### B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

#### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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#### D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
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#### E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June	Nature of any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

#### G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
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#### H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June
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### I. Dispositions of property

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1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

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2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

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### J. Discretionary disclosures

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## **SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches

of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [*full name of councillor*]

in the matter of [*insert name of environmental planning instrument*]

which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*]

to be held on the                      day of                      20                      .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [ <i>Tick or cross one box.</i> ]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> [ <i>Tick or cross one box</i> ]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

**Bathurst Regional Council  
Procedures for the  
Administration of the Model  
Code of Conduct**

**Adopted May 2019**

## PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

## PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA

code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police

ICAC	the Independent Commission Against Corruption
mayor	includes the chairperson of a county council
members of staff of a council	includes members of staff of county councils
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

### **PART 3 ADMINISTRATIVE FRAMEWORK**

#### The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations

- ii) law
  - iii) public administration
  - iv) public sector ethics
  - v) alternative dispute resolution, and
- d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
  - b) liaise with and provide administrative support to a conduct reviewer

- c) liaise with the Office and
- d) arrange the annual reporting of code of conduct complaints statistics.

#### **PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**

##### What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
  - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
  - c) complaints about the policies or procedures of the council
  - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

##### When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.



How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

## **PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?**

### Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

### Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

### What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

### How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling,

training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
- c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

#### Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

#### Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.



- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

## **PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS**

### Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses

5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant investigation, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it

- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

#### Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

#### Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

- a) whether the complaint is a code of conduct complaint for the purpose of these procedures

- b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
- c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
- d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
- e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## **PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER**

### What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.

- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) advise the respondent of the requirement to maintain confidentiality, and
  - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and

- c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

#### How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.



7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,

- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
- c) that the respondent be counselled for their conduct
- d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
- f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
- h) in the case of a breach by the general manager, that action be taken under the general manager's contract
- i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- j) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the respondent has remedied or rectified their conduct
- d) whether the respondent has expressed contrition
- e) whether there were any mitigating circumstances

- f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the council as a whole
- l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.40 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide

the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.

7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

#### Consideration of the final investigation report by council

7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final

report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).

- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

7.59 A council may by resolution impose one or more of the following sanctions on a respondent:

- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
- b) that the respondent be counselled for their conduct
- c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
- e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
- f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
- g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
- h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- i) in the case of a breach by a councillor:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.

7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## **PART 8      OVERSIGHT AND RIGHTS OF REVIEW**

### The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.



### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and

- b) the general manager or mayor must review any action taken by them to implement the sanction, and
- c) the general manager or mayor must consider the Office's recommendation in doing so.

8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
  - i. review its decision to impose the sanction, and
  - ii. consider the Office's recommendation in doing so, and
  - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## **PART 9 PROCEDURAL IRREGULARITIES**

9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.

9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

## **PART 10 PRACTICE DIRECTIONS**

10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

10.2 The Office will issue practice directions in writing, by circular to all councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

## **PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER**

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

## **PART 12 CONFIDENTIALITY**

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written

submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

## **DIRECTOR ENGINEERING SERVICES' REPORT - ATTACHMENTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019



Your ref:

Our ref: TALS.2019-04-05.SM

5 April 2019

**Hon Scott Morrison MP**

Prime Minister

**Hon David Littleproud MP**

Minister for Agriculture and Water Resources

Minister Assisting the Prime Minister for Drought

Preparation and Response

PO Box 6022

House of Representatives

Parliament House

Canberra ACT 2600

Dear Prime Minister Morrison and Minister Littleproud,

**Restoring the Central West - Proposal and Commonwealth Funding Request for \$3.7 m**

We **enclose** our proposal 'Restoring the Central West' for the creek and landscape restoration works for drought and flood mitigation purposes at a cost of \$3.7 million for Stage 1 of the program, starting on 1 May 2019.

Our main project partners are Dubbo Regional Council and Bathurst Regional Council, with many regional interest groups such as OzFish sharing our interest in having the Central West rehydrated.

Thank you for considering this proposal.

Kind regards,

**John Ryan**

Director

The Australian Landscape Science Institute

Mob: 0429 452 245

Email: [johnryan@tals.org.au](mailto:johnryan@tals.org.au)

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THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE

**RESTORING THE  
CENTRAL WEST**



*info@tals.org.au / www.tals.org.au/centralwest*



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# THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE

## RESTORING THE CENTRAL WEST

Watch the video "Restoring the Central West" at [www.tals.org.au/centralwest](http://www.tals.org.au/centralwest)

Imagine a better future for Central West NSW. Today, in the grip of the long dry, this vision may seem like a long way off. Yet the blueprint for going from drought to productivity is written in the landscape.

Peter Andrews OAM has been studying and practising the principles of the Australian landscape for over 40 years. Millions of Australians have followed his story and many farmers have called out for his help. In response, Peter has established The Australian Landscape Science Institute to restore the Australian landscape by 2030.

TALS Institute has assembled the best possible team of scientists, researchers and practitioners to further the knowledge and advise on implementations of the Whole of Landscape approach. TALS Institute is now supporting a series of landscape restoration projects right across the nation, starting with Central West NSW.

Restoring the Central West program covers more than 20,000 km<sup>2</sup> from Bathurst to Dubbo. Specific projects include:

- 'Pine Avon' and 'Green Grove' Farms Restoration Project, Dubbo
- Bell River Junction Restoration Project, Wellington
- Stuart Town Community Rehydration Project
- Bathurst Wetlands Restoration Project
- Campbells/Macquarie River Floodplain Restoration Project

This program will bring together the people of Bathurst and Dubbo to build regional jobs and prosperity. Future extensions can restore the landscape further out into the Murray Darling Basin. Program partners include Bathurst Regional Council, Dubbo Regional Council and multiple Landcare groups.

Restoring the Central West is the greatest opportunity for increasing farm productivity, profitability and biodiversity for the benefit of future generations. To achieve this big vision we need cross-sector support and program funding. Together we can make it happen!

Watch the video "Restoring the Central West" at [www.tals.org.au/centralwest](http://www.tals.org.au/centralwest)



*[info@tals.org.au](mailto:info@tals.org.au) / [www.tals.org.au/centralwest](http://www.tals.org.au/centralwest)*





## A. INTRODUCTION - RESTORING THE CENTRAL WEST

### A.1 A Program of Landscape Repair and Rehydration Works That Brings Together Dubbo and Bathurst Councils and a Large Number of Stakeholder groups

Imagine a program of landscape repair and rehydration works that would bring the strength of [Dubbo and Bathurst Councils](#) together with the involvement and collaboration of the large number of regional constituents represented in the following [stakeholder groups](#), and you would gain a sense of the vast influence and ability to affect positive change that is possible for the people of the Central West.

- Burrendong Botanic Garden and Arboretum
- Wellington Aboriginal Lands Council
- Inland Waterways Rejuvenation Association
- Wellington High School's Aboriginal Unit
- Wellington TAFE
- Stuart Town farmers
- Dubbo TAFE Horticulture
- Mid-Macquarie Landcare
- Little River Landcare
- Dubbo Macquarie Bushcare
- Mt Arthur Trust
- DPI Fisheries
- OzFish
- Macquarie 2100
- Indigenous Concepts and Networking
- Backtrack Boys
- Australian Soil Planners
- Country Women's Association
- NSW Farmers
- RDA Orana
- Greening Bathurst Inc
- Skillset Landworks
- Bathurst Community Climate Action Network Inc
- NSW Farmers Bathurst branch
- Ben Chifley Dam Catchment Steering Committee Inc
- Central Tablelands Landcare Inc
- Boundary Road Landcare Inc
- Capertee Valley Landcare Group Inc
- Rahamim Ecology Centre
- Charles Sturt University – CSU Green
- Upper Macquarie Weeds Council

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

### A.2 The Goal Is to Build Regional Wealth, Drought Resilience and Save Government Money

The Australian Landscape Science Institute (TALS Institute) propose the following program that will involve, at different levels, all these stakeholders. This program will rebuild farm productivity, restore waterways, create drought resilience, improve community health and hope, save councils money and generate hundreds of jobs for the people of the Dubbo and Bathurst region.

### A.3 Bringing the Best of the Best Together

Take the strength, stability and support of [Dubbo and Bathurst Regional Councils](#), and combine this with the expertise and experience of [Peter Andrews OAM](#)<sup>1</sup>, [TALS Institute](#)<sup>2</sup>, [Soils for Life](#)<sup>3</sup> and [The Whole of Landscape Advisory Panel](#)<sup>4</sup>, and you have the perfect skill set and experience to implement the most comprehensive large scale land restoration, management and community development program in Australia.

By joining with Dubbo and Bathurst Regional Councils, the Commonwealth would have the assurance that these two Councils are on a stable basis to properly administer the investment made by the Commonwealth into such a project.

### A.4 Years of Education and Community Engagement Already Behind Us

Years of work in 'behind the scenes' stakeholder education and engagement has already occurred. This is a process that would normally slow down any organisation or government department from being able to achieve tangible results quickly. This work has been done by Councillors John Ryan and John Fry, Mid-Macquarie Landcare through workshops and field days conducted by Peter Andrews OAM.

### A.5 Show This Government Is Serious About Its Drought Resilience Support for Regional Areas

The Commonwealth Department of Agriculture and Water Resources has identified the need to focus on productivity, profitability and adaption to variations in climate, weather and markets.<sup>5</sup> This program will send a positive message to the people of the Central West region, and all Australians, that this government has a plan and commitment to repairing and rehydrating regional Australia.

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<sup>1</sup> [www.peterandrewsOAM.com](http://www.peterandrewsOAM.com)

<sup>2</sup> <http://www.tals.org.au/team.html>

<sup>3</sup> <http://www.soilsforlife.org.au/home/index.html>

<sup>4</sup> <http://www.tals.org.au/advisory-panel.html>

<sup>5</sup> 'Mulloon receives 3.8 million to continue research' - Media Release by The Hon David Littleproud MP, Minister for Agriculture and Water Resources, 28 March 2019

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

Such a program would not only be a great economic, environmental and social boom for the state's west, the training of these future project managers could help insulate Australia's GDP from the wild fluctuations in productivity due to the nation's extreme seasonal variability.

### A.6 How Will We Do This?

Restoring the Central West is a scope of works that focuses on the following six community driven projects:

1. Bell River Junction Restoration Project
2. 'Pine Avon' and 'Green Grove' Farms Restoration Project
3. Stuart Town Community Rehydration Project
4. Burrendong Botanic Garden and Arboretum Indigenous Seed-banking Project
5. Bathurst Wetlands Project
6. Campbells River and Macquarie River Floodplain Restoration Project

### A.7 Applying the 'Whole of Landscape Approach' to Rehydrate the Region and Feed into the Murray Darling Basin

The Whole of Landscape Approach (also known as 'Natural Sequence Farming') shows people how to mimic what the extremely efficient Australian landscape was doing automatically before the arrival of humans that has resulted in a continuously degrading and depleted ecosystem. This approach kick-starts the process towards an automatically aggrading system - with the installation of natural infrastructure that, once installed, requires minimal input and results in maximum output. Some implementation examples are contours on slopes, leaky weirs on creek lines, filtration systems in wetlands and animal controls.

A Whole of Landscape Approach for the Central West encompasses the Macquarie River catchment from Bathurst to Dubbo, eventually extending to the Macquarie Marshes, before joining the Darling River.

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## A.8 What We Need To Make It Possible

The prerequisites for success are:

1. Stage 1 funding in the amount of **3.7 million over a two (2) year period, starting on 1 May 2019**. With Stage 1 funding, we can get the six projects of this proposal kick-started.
2. Dispensation from regulatory roadblocks to allow for fast and cost effective implementation. TALS Institute will provide a Scientific Advisory Panel whose role it will be to provide the scientific evidence that will assist regulators to comfortably provide dispensation. The Panel will conduct a desktop review of peer-reviewed published scientific papers that will allow regulators to know that suitable due diligence has been carried out and that dispensation is appropriate for these projects.

## A.9 We Are Ready to Begin

We are ready, Dubbo and Bathurst Regional Councils are ready, the farmers of Stuart Town are keen and ready, the Stakeholders are ready.

We have prepared a communications plan and events schedule to accompany the approval of this program, including a press release to the media and Town Hall and Stakeholder Meetings to promote the good news. We will provide each group with relevant information for their members, websites and social media.

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

## B. PROJECTS

### B.1 DUBBO REGIONAL COUNCIL AREA

Dubbo Regional Council (DRC) has a vision to train a generation of land managers who would make the Dubbo Region drought resilient and secure a prosperous future for its people.

For this area, the work will focus on four projects, the 'Bell River Junction Restoration Project', the 'Pine Avon and Green Grove Farms Restoration Project', the Stuart Town Community Rehydration Project and the Burrendong Botanic Garden and Arboretum Indigenous Seed-banking Project.

#### B.1.1. Bell River Junction Restoration Project



Bell River Junction is located at the confluence of the Bell and Macquarie Rivers in Wellington. Wellington is also home to Burrendong Dam which, when full, holds three times as much water as Sydney Harbour.

Continuing erosion of productive land due to unmitigated force of water has already resulted in the loss of four acres of productive farmland, with further losses anticipated. Additionally, the



## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

bridge at the junction is a critically endangered infrastructure asset which is expected to incur significant damage in the next significant flooding event.

The solution is to de-energise the force of the water and re-stabilise the river banks using effective and affordable control measures.

### B.1.2. Stuart Town Community Rehydration Project

TALS Institute will oversee and manage the [collaboration of 20 family farms](#) in the Stuart Town area to restore the gullies via the Whole of Landscape Approach. This sub-catchment project would become another learning hub similar to the 'Mulloon Community Landscape Rehydration Project' by The Mulloon Institute.

The farmers in Stuart Town have had some previous training with Peter Andrews OAM and are eager and waiting to start.

Indigenous land managers from across the region will be invited to participate and discuss how community-owned land could be made far more fertile and productive via these methods, potentially creating income streams and jobs.

### B.1.3. 'Pine Avon' and 'Green Grove' Farms Restoration Project

Dubbo Regional Council is prepared to invest heavily into a collaborative project with the Commonwealth by providing the use of significant land assets for the project:

- a. Allocate Dubbo Regional Council's (DRC's) farm "Green Grove" as a demonstration and training site for the Whole of Landscape Restoration and Management Approach;
- b. Allocate DRC's farm "Pine Avon" as a demonstration and training site for Whole of Landscape Approach – creating a sustainable wetland on this property.

Both these farms will also be used as demonstration sites for the planting of two tree projects.

Currently, Dubbo Regional Council is paying between \$5000 - \$12,500 for individual mature trees. By restoring and adapting 'Green Grove' farm, we would be able to grow a myriad species of trees on the contours that would be installed, which would grow into the mature planting stock needed by DRC. This would save council hundreds of thousands of dollars.

The flow-on effect will be the ability to show other local governments how to save millions in ratepayer dollars through long term and generational planning, while creating local jobs at the same time. Add to this local community groups potentially receiving funding by collaborating and growing these trees year after year with far less red tape and costs for council, and you have a project that serves local governments and communities well into the future.

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

The second phase of this project will be to plant highest value trees so that the next generations will have harvestable trees that are worth tens of thousands of dollars each.

### B.1.4. Burrendong Botanic Garden and Arboretum Indigenous Seed-banking Project

Burrendong Botanic Garden and Arboretum (Burrendong Arboretum) are interested in creating an on-site demonstration and training site and incorporating the planting of the many crop species used by Aboriginal people in their agricultural pursuits prior to colonisation. Many of these plants are well adapted to Australia's climatic extremes and could be of inestimable benefit to Australian farmers and the future prosperity of the nation.

This project will create expertise in seed-banking, growing and processing a number of traditional Indigenous crops such as Yam Daisies and native rice, utilizing the experts and infrastructure at Burrendong Arboretum, potentially partnering with one university and other botanical gardens.

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## B.2 BATHURST REGION

Bathurst Regional Council (BRC)<sup>6</sup> is also prepared to invest into a collaborative project with the Commonwealth by providing the use of significant land assets for the project.

For this area, the work will focus on two (2) projects, the 'Bathurst Wetlands Project' and the 'Campbell River Flood Mitigation Project'.

### B.2.1. Bathurst Wetlands Project



Rural urban centres are increasingly important contributors to water quality and flow levels. Wetland and floodplain recharge areas need to be established in major rural centres.

We propose the creation of a pilot demonstration and training site for Urban Wetlands that demonstrates the capacity of water sensitive urban design to improve the quality and reliability of water flow throughout the Murray Darling Basin (MDB), ultimately benefiting downstream users. Urban wetlands can also improve water quality, increase local food and fibre production, provide wetland plants from nurseries for farm regeneration projects, create recreation areas, bird habitat and moderate local climate conditions.

Some of the cities within the MDB have already progressed to a concept plan. Bathurst, Wellington and Dubbo Local Government Areas currently have project designs underway. Albury is an example of a city that already has a wetland constructed.

<sup>6</sup> <https://www.bathurst.nsw.gov.au/council/council/about-council.html>



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## B.2.2. Campbells River and Macquarie River Floodplain Restoration Project



This project encompasses bank restoration of the Ben Chifley Dam<sup>7</sup> as well as restoration works in creeks joining Campbell River with the aim of creating flood resilience for farms.

Water quality and quantity in rivers is most directly impacted by the way farming lands are managed. Fortunately, the principles of the Whole of Landscape Approach have been proven to both make farms resilient to drought and provide ecosystem services in the process.

In-stream works are critical to this program, and urban centres can contribute with plants from the urban wetland nursery sites, mulch and other approved composted products, plus approved recycled construction materials such as concrete, bricks and roof tiles to repair eroded gullies, restore wetlands and stabilise creeks. A by-product of this is reduced waste to landfill costs and associated problems.

A longer term goal is for Bathurst and other regional communities to become world leaders in landscape rehydration by providing one year traineeships in landscape rehydration - to create a workforce required to make Australia, and the world, climate resilient.

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<sup>7</sup> <https://www.bathurst.nsw.gov.au/chifley-dam-details.html>

THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

## C. PROGRAM TIMEFRAME

The start date of the program is 1 May 2019, with a two (2) year timeframe for completion of Stage 1 of the program.

## D. PROGRAM OUTCOMES

General outcomes of this Program are:

- Rural jobs
- Rural upskilling in landscape and creek restoration
- Rehydrated landscapes
- Restored creeks
- Avoid continued loss of productive farmland due to creek erosion
- Increased farm productivity
- Reduced overheads for farmers
- Climate resilience - flood, drought and bushfire resilience
- Readiness to lead the world in climate recovery training and workforce
- Avoid losing major infrastructure asset (bridge at Bell Junction)
- Avoid Government expenditure in major infrastructure repair
- Avoid continued loss of productive farmland due to creek erosion
- Indigenous involvement
- Conservation and building of “natural capital”
- Smart Waste Pathways - construction waste diversion to gully restoration

## E. WHO ELSE BENEFITS FROM THIS PROGRAM?

Over the years, our team members have formed relationships with many people in different groups, industries and sectors. Let’s take a closer look at how this project can support some of these.

### E.1 Walking Side by Side With the Indigenous Community

A number of Aboriginal organisations have expressed interest in participating in Whole of Landscape Restoration and Management training.

Benefits include reconnecting with country and exploring a restoration method that is based on observing the old Australian landscape by reconnecting creeks to floodplains.

With ever-increasing water insecurity due to destructive agriculture and land management methods and excessive groundwater extraction, ecosystem restoration work is high on the

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

agenda of Governments all across the world.<sup>8</sup> Early upskilling will be of benefit in the job market of the future.

For those community who own degraded land, learning simple but effective Whole of Landscape restoration techniques will lead to substantially increased farm output, with minimal overheads.

Last but not least, this type of restoration work, which is based on working with nature rather than against it, provides a real sense of achievement and contentment to participants.

### E.2 Giving Purpose, Skills and Employment to Youth at Risk

Cr John Fry, Councillor on Bathurst Regional Council and Director of TALS Institute, was part of the management team at Campbell Page Skillset running out the recent Green Army program across New South Wales and Queensland, with a focus on Aboriginal youth. The Commonwealth Department of Environment awarded his team with the “Best Service Provider” award.

Backtrack Youth Boys is Australia’s most successful youth program when it comes to getting kids at risk back on track.”<sup>9</sup> This program gives disadvantaged youth a chance “to reconnect with education and training to become work ready and secure meaningful employment”.

Across the nation, youth crime and its associated costs to Government, is rising. In Armidale, NSW, however, where the program is based, youth crime has fallen by approximately 60 percent since its inception 14 years ago. There is ever-increasing demand for Backtrack programs, including in Dubbo.

Backtrack Founder and CEO Bernie Shakeshaft has expressed interest in exploring how he could incorporate landscape restoration based on the Whole of Landscape Approach into Backtrack's programs.

### E.3 Recreational Fishing Enthusiasts

There are approximately 1.2 million fishing enthusiasts in NSW alone.

Judging by the social media response to the recent ABC Australian Story “Hope Springs”<sup>10</sup> on Peter Andrews OAM, many fishers are keen to see ephemeral creeks transform into year-round flowing streams or, at the very least, chains of ponds.

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<sup>8</sup> The UN Decade of Ecosystem Restoration will start in 2021.

<sup>9</sup> <https://www.backtrack.org.au>; see also the documentary “Backtrack Boys” at <https://www.backtrackboys.com>

<sup>10</sup> <https://www.abc.net.au/austory/hope-springs/10395974>

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

As evidenced in the creeks that Peter Andrews has restored based on the Whole of Landscape Approach, biodiversity can be improved to such a degree that native fish populations have had a welcome comeback.

Fishing organisations that will welcome more extensive creek restorations based on the Whole of Landscape Approach are:

- OzFish - representing 1.1 million fishers
- Inland Waterways Rejuvenation Association (IWRA) - leads the way in Australia when it comes to awareness raising and community engagement. The catch and release fishing competition at Easter averages around 1500 entrants plus their families and hosts a range of awareness raising activities by partners at the event. IWRA raises about \$100,000 each year.

### E.4 Wellington Arts - Getting People Interested in the Health of Our Waterways Through Art

Wellington Arts is a small volunteer organization that coordinates arts festivals and events in Wellington to encourage tourism and economic growth to the region. Their two recent events attracted thousands of people.

Wellington Arts are planning to establish a national art prize for the best sculptures and paintings of native fish - in a bid to get people interested in the health of our waterways through art. This awareness raising program is aimed at captivatating the broadest possible range of people across the local communities and could be run in conjunction with our Bell River Restoration Project in Wellington.

## F. ABOUT THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE (TALS INSTITUTE)<sup>11</sup>

TALS Institute's vision is the restoration of Australia's catchment and watershed systems by 2030, using a Whole of Landscape Approach and working together with community to achieve maximum productivity, biodiversity and a moderated climate.

Our main role in the program will be to coordinate as well as oversee it, alongside with Dubbo and Bathurst Regional Councils.

We would provide the expertise in the Whole of Landscape Approach through our Chair, Peter Andrews OAM, having the role as Design Architect.

Our Directors, Cr John Ryan and Cr John Fry, are also Councillors at Dubbo Regional Council and Bathurst Regional Council. They will be the link between TALS Institute, Dubbo Regional

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<sup>11</sup> Find out more about TALS Institute at [www.tals.org.au](http://www.tals.org.au).

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

Council and Bathurst Regional Council. Both will provide the local expertise and connections necessary to rollout this program.

The Whole of Landscape Advisory Panel<sup>12</sup> will work with regulators on dispensation. In addition, it will have oversight over the program to ensure the Whole of Landscape Approach is applied correctly, effectively and economically. Existing restored and proven sites across Australia will serve as a benchmark for the application of the Whole of Landscape Approach. Peter Andrews OAM will provide input as a part of the Advisory Panel.

See short biographies of the TALS Institute team members at section H, below.

## G. PROGRAM COLLABORATORS

Our program collaborators are:

- [Bathurst Regional Council](#)<sup>13</sup> - Our representative at Bathurst Regional Council is Cr John Fry<sup>14</sup> who is also a Director at TALS Institute.
- [Dubbo Regional Council](#)<sup>15</sup> - Our representative at Dubbo Regional Council is Cr John Ryan<sup>16</sup> who is also a Director at TALS Institute.
- [Soils for Life](#)<sup>17</sup> document case studies by working with land managers and farmers across Australia. They conduct field studies on properties to document the extent of innovation. What works, why, and to what extent?

The studies will provide examples of how land manager within this program are achieving productivity, environmental, economic and social outcomes through Whole of Landscape practices.

- [Local Landcare groups](#)

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<sup>12</sup> <http://www.tals.org.au/advisory-panel.html>

<sup>13</sup> <https://www.bathurst.nsw.gov.au>

<sup>14</sup> <https://www.bathurst.nsw.gov.au/council/council/councillors.html>

<sup>15</sup> <https://www.dubbo.nsw.gov.au/About-Council/Who-We-Are/vision-purpose-and-values>

<sup>16</sup> <https://www.dubbo.nsw.gov.au/About-Council/Who-We-Are/councillors>

<sup>17</sup> <http://www.soilsforlife.org.au/home/index.html>

## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

## H. TEAM MEMBERS OF TALS INSTITUTE<sup>18</sup>

[Peter Andrews OAM<sup>19</sup>](#), Director and Chair - For the last 40 years, Peter Andrews has been on a mission to get bureaucrats, environmentalists and farmers alike to understand that the old Australian landscape functioned automatically and extremely effectively, with the free help of plants and water as well as the free energies sunlight and gravity. He has been the design architect for the restoration projects at Tarwyn Park, Mulloon Creek, Gerry Harvey's Baramul Stud Farm in the Muswellbrook Shire and countless other projects. Peter is the Founder of TALS Institute.

[Cr John Ryan, Director](#) - John Ryan is also a councillor at Dubbo Regional Council - as well as being a news reporter. He has been on a mission to educate politicians, farmer groups and Government agencies that the Whole of Landscape Approach can work anywhere, from mountain valleys and steep lands to flat lands. He has a keen interest in improving the Macquarie River, the connection between Dubbo and Wellington, to make Dubbo a better place for residents as well as an attractive tourist location and has been involved in the tourism industry since the late 1980s. He was instrumental in seeing hemp legalised for human consumption in Australia, working through Parkes MP Mark Coulton and former senator Fiona Nash. John is the Mid-Macquarie Landcare, Local Landcare Coordinator.

[Cr John Fry, Director](#) - John Fry also serves as a councillor at Bathurst Regional Council. He has designed and managed environmental engineering projects with local government, Landcare, Rivercare, Coastcare, Bushcare throughout NSW and Queensland since 1992. John was part of the management team at Campbell Page Skillset running out the recent Green Army program across New South Wales and Queensland, with a focus on Aboriginal youth. The Commonwealth Department of Environment awarded his team with the "Best Service Provider" award.

[Liana Di Stefano, Director and Treasurer](#) - Liana has over 30 years successful experience in business - from leading turnarounds in small to medium organisations, to working at the C-Suite level in large corporations to change their culture and leadership practices. Liana also has years of experience in working as the Account Manager and Project Manager for multi-million dollar culture change and training programs in the corporate and general public sectors.

[Beatrice Ludwig lic iur LLM, Director and Secretary](#) - Beatrice has more than 20 years of experience in business, contract and Not for Profit law. She has held many positions on Not for Profit Boards ensuring governance is tightly adhered to and advising on strategic direction and planning. As a lawyer with training in Natural Sequence Farming, Agroecology, Agroforestry,

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<sup>18</sup> [www.tals.org.au](http://www.tals.org.au)

<sup>19</sup> [www.peterandrewsOAM.com](http://www.peterandrewsOAM.com)



## THE AUSTRALIAN LANDSCAPE SCIENCE INSTITUTE - RESTORING THE CENTRAL WEST

Holistic Management, Permaculture and Earthworks Beatrice brings together the understanding of restoration methods and government regulations.

[Rod O'Bree, Director](#) - Rod has spent the last 10 years as a landowner implementing Natural Infrastructure such as Leaky Weirs and Contour Banks based on the teachings of Peter Andrews. He's worked with visiting scientists, agricultural Government departments and catchment councils in understanding and demonstrating Peter Andrews' principles and methods on his Demonstration Site in Western Australia.

[Peter Dowson, Story Contributor](#) - Pete is a co-founder and producer at Digital Storytellers as well as a co-founder of Friendly Farms. He has a passion for the environment, sustainability and community resilience. He has a degree in Commerce and an established track record in the corporate space, having worked with some of Australia's largest production companies and events. Amongst many other things, he is contributing to TALS Institute with strategic advice as well as his excellent storytelling skills.

[Adrian Drew, Contributor](#) - Adrian was trained as a Landscape Architect at RMIT in the 1990s. He went on to gain practical experience in earthmoving in the mining industry in Western Australia over a period of 15 years, ending up as a project manager and construction supervisor within mining infrastructure projects at Rio Tinto. Over the past 7 years, he has applied this practical and design experience to natural farming methods taught by both, Peter Andrews and Tarwyn Park Training, to his own property in Buxton Victoria, noticing considerable improvement. Adrian brings his project management expertise including in the field of IT to the work of implementing TALS' vision.

[Watch the video 'Restoring the Central West'](#)  
[www.tals.org.au/centralwest](http://www.tals.org.au/centralwest)

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**DIRECTOR CULTURAL & COMMUNITY SERVICES' REPORT -  
ATTACHMENTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019



## Memorandum of Understanding

between

Arts OutWest

and

Bathurst Regional Council

1 July 2018 – 30 June 2022

This Memorandum of Understanding (MOU) includes the following:

1. Key understandings for member Councils
2. Undertakings
3. Financial contribution
4. Review process

### 1. Key understandings for member Councils

- a) All member Councils understand effective arts and cultural development to be the strategic planning and management of cultural services, facilities and programs that contribute to local identity, sense of place and quality of life and empower local groups to contribute socially and economically through the arts.
- b) The Councils jointly agree to support Arts OutWest Inc. as key stakeholders in the peak regional arts and cultural development service for the region.
- c) The Councils understand that funding by each member Council, matched by State funding is essential for the core operations of Arts OutWest Inc. and its sustainability in the future.
- d) The Councils understand and fully support the core business of Arts OutWest as outlined in its Strategic Plan 2015-2019 and the new draft plan covering 2020-23.
- e) Arts OutWest inc. is managed by a Committee of Management (known as the Board) and is a member of Regional Arts NSW through representation on the Regional Arts New South Wales Advisory Council.



## 2. Undertakings

1. Bathurst Regional Council (The Council) recognizes that each contributing Local Government of the Central West regional arts program has representation either on an Arts OutWest Advisory Committee who will report regularly to Council.
2. Arts OutWest Inc. will deliver core services to the region as defined by the Strategic Plan and any reviews thereof in consultation with all its stakeholders.
3. Arts OutWest will work in active partnership with the local Councils of the region to deliver regional cultural development outcomes.
4. Arts OutWest Inc. will provide all member Councils with an Annual Report showing expenditure of all consolidated revenue and providing details on services rendered to each Council area.
5. Arts OutWest will acknowledge the partnership arrangement with the Councils on all public material in an appropriate manner.
6. The Council will acknowledge Arts OutWest in all programs involving Arts OutWest.
7. The Council and their communities will provide Arts OutWest with relevant information on cultural issues, activities and events for information and promotion by Arts OutWest Media and Promotion services.
8. The Council and Arts OutWest will share information on cultural matters including the linking of community directories, databases and websites.
9. Arts OutWest will work with individual Councils and their communities to develop specific projects and programs and assist with funding and delivery of projects so far as additional project funding allows with equity across the region.
10. Arts OutWest will provide formal presentations to Councils within the region as required.
11. The Council may make representations to the Board and Executive Director of Arts OutWest Inc. in respect of any proposed programs and projects arising in the community which need the support of Arts OutWest Inc.
12. The Council will encourage individuals, groups and organizations in their local areas to actively access the services of Arts OutWest for their development.
13. Arts OutWest will refer all involvement with community groups to Councils for their information.

**3. Financial contribution**

Bathurst Regional Council will provide funding support to Arts OutWest in the financial year of the Memorandum of Understanding. This will be at the rate of 65 cents per head of population, and will stay at the same rate throughout the life of the MOU with only CPI increases added. Each year the population will be calculated using ABS figures for the previous year (ERP figures = Estimated Regional Population).

In 2018-19 the rate of 65c per person based on the ABS ERP 2017 figure of 42,900 means that the contribution from Bathurst regional Council is \$27,885 + GST.

**4. Review**

Bathurst Regional Council and the Board of Arts OutWest Inc agree to review the terms of this Memorandum of Understanding in preparation for each following financial year.

**Signatures to this Memorandum of Understanding**

Signature:

.....

For Bathurst Regional Council

Date

..... (Name)



Tracey Callinan, Arts OutWest

10/4/2019

Date





**CENTRAL BUSINESS DISTRICT  
(CBD) CLOSED CIRCUIT  
TELEVISION (CCTV) POLICY**

## **PART 1: INTRODUCTION**

This Policy underpins the introduction, ongoing management and operation of Closed Circuit Television (CCTV) within the Central Business District (CBD) of Bathurst. Standard Operating Procedures and Code of Practice will guide Council staff and Police in the day-to-day operation of the scheme and ensure alignment with the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places*.

This Policy will ensure the effective, appropriate and lawful use of CCTV by Council and the Police in public areas, designated workplaces and Bathurst Regional Council facilities across the CBD.

Establishing and operating a CCTV system can be complex, time-consuming, and costly, therefore it is necessary that appropriate policies and procedures are in place to ensure the CCTV system operates efficiently and effectively. This Policy, Standard Operating Procedures and Code of Practice will also increase public confidence that Council's CCTV system is appropriately controlled, administered and accountable.

This CBD CCTV scheme is aimed at the detection and conviction of offenders. Council and Police recognise that the presence of CCTV can have a deterrent effect on crime and antisocial behaviour within the CBD, whilst contributing to a greater sense of safety in the community. CCTV is being introduced as part of the broader community safety strategy within the Bathurst Local Government Area. The CCTV cameras will not be monitored by Council but will capture images that can be used to assist Police. Police may intermittently view live images provided by the CBD CCTV scheme.

### **1.1 Policy Objectives**

#### **To reduce the fear of crime as measured by:**

- Increased community perception of safety within the CBD

#### **To assist in the apprehension and prosecution of offenders as measured by:**

- Increase in the number of offenders identified
- Increase in the number of offenders apprehended

### **1.2 Scope of Policy**

This policy relates to CCTV and surveillance systems used and operated by Council and the Police, as well as the implementation of CCTV cameras in locations identified as higher risk crime areas within the CBD.

Although every effort will be made to ensure maximum effectiveness of the system it is not possible to guarantee that the system will detect every incident taking place within the area of coverage.

### 1.3 Definitions

<b>Closed Circuit Television (CCTV)</b>	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure (the scheme).
<b>Council</b>	Bathurst Regional Council (the owner of the scheme).
<b>Passive monitoring</b>	Where CCTV monitors may be intermittently viewed.
<b>Police</b>	Authorised Police Officers from the Bathurst Police Station (part of the Chifley Police District).
<b>Retrospective review</b>	Where CCTV footage is reviewed after an incident.

### 1.4 Legislative Context

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Workplace Surveillance Act 2005
- State Environmental Policy (Infrastructure) 2007

### 1.5 Related Documents

The following documents are operational documents which support the policy:

Standard Operating Procedures – this document will be based on the CBD CCTV Policy and ensure that the principles and purposes on which the CBD CCTV scheme is based on are adhered to. This procedure is intended to identify the correct operations, ownership and maintenance of the CBD CCTV scheme, and the usage of recordings captured in the process of investigating criminal activity. This process serves both Council staff (authorised) to access CCTV footage, and registered persons (authorised) by the police to request CCTV footage.

The Standard Operating Procedures will ensure:

- persons are informed about the collection and purpose for collection of the personal information in accordance with Section 10 of the PPIP Act, and
- that the information is protected by taking reasonable security safeguards against loss, unauthorised access and misuse in accordance with Section 12 of the PPIP Act.

These aspects are addressed in the Standard Operating Procedures to ensure compliance with the Privacy and Personal Information Regulation 2005.

CCTV Code of Practice – outlines the minimum standards of compliance under which Closed Circuit Television (CCTV) will be operated by Bathurst Regional Council. The Code of Practice will operate within applicable law and only for the purpose of which it is established, as well as with regards to the privacy and civil liberties of individual members of the public.

CCTV Memorandum of Understanding between Council and the Police – is intended to demonstrate a mutual understanding of the management and implementation of the CBD CCTV scheme. The Memorandum of Understanding acknowledges each parties obligations under the *Privacy and Personal Information Protection Act 1998 (NSW)*.

NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places – provides a policy framework and underlying principles to assist agencies considering CCTV as a possible response to local community safety concerns.

## **1.6 Responsibilities**

### Bathurst Regional Council:

Council is the owner of the public place CBD CCTV scheme. Council has responsibility for securing funding, responsibility to consult with and inform the community, and responsibility for design, management, running costs, evaluation and audit activities.

The CCTV system provided will not be monitored live by Council. Council will maintain all equipment and will be responsible for recording images that can be used to assist the Police. It is acknowledged that from time to time equipment will fail and while every endeavour will be made to ensure that all equipment is functioning at all times Council cannot guarantee this.

### NSW Police Force:

The Police are not responsible at this point in time for the funding of the CBD CCTV scheme, but have been involved in the assessment and planning phase. The Standard Operating Procedures for the scheme will incorporate protocols covering communication and liaison between Council and the Police. A CCTV monitor will be located within the Bathurst Police Station for passive monitoring only. The location and use of this monitor will be determined in accordance with the NSW guidelines for the monitoring of CCTV. The Police will also be provided with the ability to review stored footage and request Council to download required footage for evidentiary purposes.

The Police are responsible for providing to Council annually an analysis of crime statistics and data of arrest and successful prosecutions related to the CCTV coverage area.

### Private Sector:

Private sector agencies may contribute financially to the introduction of the CCTV system. This financial contribution will end the involvement of the private sector agency.

## **1.7 Review Procedures**

Staff will undertake annual reviews of the CBD CCTV scheme, including analysis of crime statistics and data.

The NSW Information and Privacy Commission may request to undertake spot audits from time to time and local councils should comply with such requests.

## **1.8 Reporting Requirements**

Annual analysis of crime statistics and evaluation against the CBD CCTV policy objectives will be reported to Council.



## 1.9 Complaints

Complaints in relation to any aspect of the management or the operation of the CBD CCTV scheme may be made in writing to:

The General Manager  
Bathurst Regional Council  
Private Mail Bag 17  
BATHURST NSW 2795  
or e-mail [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

Where a complaint cannot be resolved within Council, the complainant will be referred to an outside agency to seek resolution.

Section 36 of the *Privacy and Personal Information Protection Act 1998* authorises the Information and Privacy Commission to receive and investigate complaints about alleged violations of, or interference with, the privacy of an individual.

Any member of the public is entitled to lodge a complaint with the Information and Privacy Commission at:

Information and Privacy Commission  
GPO Box 7011  
SYDNEY NSW 2001

Tel: 1800 472 679 or

Email [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

## PART 2: POLICY CONTENT

### 2.1 General Provisions

#### Guiding Principles

Council has made reference to and responded to the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places* in order to ensure best compliance with the implementation of the CBD CCTV scheme. The nine principles outlined in the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places* include issues relating to privacy, fairness, public confidence and support, managerial efficiency and effectiveness, and police involvement in public area CCTV. The principles are essential for the implementation of CCTV and include:

- **Integrated Approaches to Crime Prevention**  
**Principle:** The implementation of CCTV should be part of an integrated, multiagency approach to crime control and community safety.
- **The Ownership of Schemes and Its Accompanying Responsibilities**  
**Principle:** The ownership of public area CCTV schemes must be clear and publicly known and ensure appropriate public accountability.
- **Community Consultation**  
**Principle:** When considering setting up or significantly expanding a public area CCTV scheme, the relevant concerns of all parties potentially affected by the scheme should be taken into account through an effective community consultation strategy. Consultation will help to ensure that schemes meet local needs and circumstances, and that the operation of the scheme has the support of those affected by it.
- **Setting Clear Objectives**  
**Principle:** Clear scheme objectives should be set to guide the design, implementation, management and outcomes of public area CCTV. A clear statement of objectives will provide a basis for effective monitoring and evaluation of the scheme, and help to ensure that the use of CCTV is consistent with overall crime prevention objectives.
- **Police Involvement in Public Area CCTV Schemes**  
**Principle:** While the Police should not fund public area CCTV schemes, they should be closely involved in the assessment and planning phase, including risk analysis and evaluation. The Standard Operating Procedures for the scheme should incorporate protocols covering communication and liaison between the scheme operators and the Police.
- **Managing and Operating Schemes**  
**Principle:** CCTV schemes should be open and accountable and operate with due regard for the privacy and civil rights of individuals and the community. (Please refer to Privacy section below for full details).
- **Evaluation**  
**Principle:** Effective evaluation of schemes is essential in order to identify whether their formal objectives are being achieved. Evaluation frameworks should be developed at the planning stage of the scheme.

- **Complaints**  
**Principle:** Publicly accountable, impartial and fair schemes should have procedures for dealing with complaints.
- **Monitoring and Auditing**  
**Principle:** Audit is needed in order to provide an account of the operation of a scheme, by testing its compliance against relevant policy, legislation and procedures, and to be used as the basis of recommendations for improved practice.

## 2.2 Specific Provisions

### Disclosure

CCTV footage and records will only be used and disclosed in accordance with the primary purpose of collection. This CBD CCTV scheme is aimed at the detection and conviction of offenders, with footage to be provided to the Police for retrospective review. Access to and use of recorded material will only take place in compliance with a Police request in connection with an investigation of crime and nothing else.

In accordance with the *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places*, reasonable steps will be taken to protect information gathered through public place CCTV from misuse or inappropriate disclosure.

### Disposal

Where footage has been provided to the Police, it is their responsibility to appropriately retain and destroy the record of the footage in accordance with their protocols.

### Privacy

The Privacy and Personal Information Protection Act 1998 covers Local Government authorities as public sector agencies, and as such needs to be addressed when considering the establishment and implementation of CCTV.

CCTV in public places need to balance the need for public safety against the right to privacy for members of the public. The CBD CCTV scheme needs to be operated with respect for people's privacy and their right to conduct or engage in lawful activities. The *NSW Government Policy Statement and Guidelines for the Establishment and Implementation of CCTV in Public Places* states:

*Continuing community support for the operation of CCTV schemes will depend upon the confidence people have that the scheme is providing the anticipated benefits. It is therefore essential that:*

- *the recording and retention of images should be undertaken fairly and lawfully;*
- *the purpose for which the information is being obtained is known;*
- *the information not be used for any other purpose than that proclaimed;*
- *people be aware that they may be subject to CCTV surveillance;*
- *the CCTV surveillance should only be used to identify crimes occurring within the CCTV area;*
- *the CCTV surveillance should never be used to monitor or track individuals who have not obviously been involved in a crime;*
- *the CCTV surveillance should only be used to identify crimes occurring within the CCTV area; and*

- *the owners of the scheme are known and accountable for its operation.*

CCTV information and records are to be handled in accordance with the Privacy and Personal Information Protection (PPIP) Act 1998 and the Privacy and Personal Information Regulation 2005. Use and disclosure of CCTV footage and personal information must only be in accordance with privacy laws.

The Privacy and Personal Information Regulation 2005 exempts Councils from certain provisions of the PPIP Act relating to the use of CCTV cameras, specifically as follows:

- *Council is exempt from section 11 of the Act with respect to the collection of personal information by using a CCTV camera that Council has installed for the purpose of filming a public place, if the camera is positioned so no other land is filmed (unless it is not reasonably practicable to avoid filming the other land when filming the public place).*
- *Council is also exempt from section 18 of the Act with respect to the disclosure to the NSW Police Force of personal information by way of live transmission from such a CCTV camera.*

**Bathurst Regional Council**

**Central Business District  
(CBD) Closed Circuit  
Television (CCTV) Scheme**

**Code of Practice**

## Table of Contents

1. CBD CCTV CODE OF PRACTICE.....	3
2. PRELIMINARY INFORMATION.....	5
3. OPERATION OF THE CBD CCTV SCHEME.....	5
4. SYSTEM DESCRIPTION.....	6
5. CAMERA DESIGN.....	6
6. CAMERA LOCATIONS.....	7
7. CHANGES TO THE CBD CCTV SCHEME AND/OR THE CODE OF PRACTICE.....	7
8. PURPOSE .....	7
9. RESPONSIBILITIES OF COUNCIL – OWNER OF THE SCHEME.....	8
10. RESPONSIBILITIES OF THE POLICE – PARTNER TO THE SCHEME.....	8
11. ACCOUNTABILITY .....	8
12. PUBLIC INFORMATION .....	8
13. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE .....	9
14. MANAGEMENT OF THE RECORDED FOOTAGE .....	10
15. CONTROL AND OPERATION OF CAMERAS .....	10
16. RECORDED MATERIAL .....	11
17. CONTACT WITH POLICE .....	12
18. BREACHES OF THE CODE .....	12

# 1. CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV) CODE OF PRACTICE

## 1.1 Introduction

1.1.1. The CBD CCTV Code of Practice (the Code) contains the minimum standards of compliance under which the CBD CCTV scheme will be operated.

1.1.2. The Code will be supplemented by the Standard Operating Procedure, giving instructions on all aspects of the operation of the system. This document will be based on the CBD CCTV Policy and ensure that the principles and purposes on which the CBD CCTV scheme is based are realised.

1.1.3. The CBD CCTV Policy will guide the successful implementation and management of the CBD CCTV Scheme.

1.2. The Code is based on the following key principles:

### **Principle 1**

The CBD CCTV scheme will be operated fairly, within acceptable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with this Code.

### **Principle 2**

The CBD CCTV scheme will not limit the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

### **Principle 3**

Council has primary responsibility for the maintenance, management and security of the CBD CCTV scheme, and the protection of the interests of the public in relation to the CBD CCTV scheme.

### **Principle 4**

The Police are a partner to the CBD CCTV scheme and agree to act in accordance with the Code.

### **Principle 5**

The public will be provided with clear and easily accessible information in relation to the operation of the CBD CCTV scheme.

### **Principle 6**

Regular review and evaluation of the CBD CCTV scheme will be undertaken to identify whether the purposes and objectives of the CBD CCTV scheme are being achieved.

### **Principle 7**

Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CBD CCTV scheme.

### **Principle 8**

Recorded material will be retained for 30 days.

### **Principle 9**

Access to recorded material will only be provided in accordance with the purposes provided

by the Code.

**Principle 10**

All contact between Council and the Police in relation to the CBD CCTV scheme will be conducted strictly in accordance with the Code.

1.3. Glossary of Terms

A glossary of terms used in the Code is provided below:

TERM	DEFINITION
Bathurst Central Business District (CBD)	That area of the CBD that will be monitored by CCTV cameras as identified in Section 2 of the Code
Closed Circuit Television (CCTV)	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure.
CBD CCTV scheme	Council's CCTV system operating in the Bathurst Central Business District
Code	The Code of Practice developed by Council
Confidentiality Agreement	The Confidentiality Agreement attached to the SOP as <b>APPENDIX 2</b>
Council	Bathurst Regional Council
Evaluation Group	Council and Police representatives who will undertake ongoing review of the CBD CCTV scheme
Image Recording Equipment	The computer that records and stores all footage recorded by the CCTV cameras
Image Recording Point	That area of Council where the Image Recording Equipment is located and secured, which is under Council control
Monitoring Equipment	The monitor and computer that live footage and Recorded Material may be viewed
Monitoring Point	That area of the Bathurst Police Station where the Monitoring Equipment is located and which is under Police control
MOU	The Memorandum of Understanding between Council and the Police in accordance with the Code
PTZ camera	A camera that can be panned, tilted, zoomed
Police	Chifley Police District, which is part of the NSW Police Force
CBD CCTV Scheme Policy	Policy developed by Council to ensure the effective, appropriate and lawful use of CBD CCTV scheme
Recorded Material	The footage recorded by the CCTV cameras
SOP	The Standard Operating Procedure, which give instructions on all aspects of the operation of the CBD CCTV scheme

1.4. Legislative Context

- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- Workplace Surveillance Act 2005
- Police Act 1990 (NSW)



### 1.5. Related Documents

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places
- Central Business District (CBD) Closed Circuit Television (CCTV) Policy
- Central Business District (CBD) Closed Circuit Television (CCTV) Standard Operating Procedure
- Central Business District (CBD) Closed Circuit Television (CCTV) Memorandum of Understanding

## 2. CBD CCTV SCHEME PRELIMINARY INFORMATION

2.1. The area of the Bathurst region in which the CBD CCTV scheme operates can be described as the area bound by:

- a. Stewart Street
- b. Havannah Street
- c. Lambert Street
- d. Durham Street

2.2. The CBD CCTV scheme is only one of several initiatives designed to assist in preventing crimes against the person and malicious damage to property in the Bathurst CBD. It is recognised, however, that such crime will never totally be prevented.

2.3. Council retains ownership of the CBD CCTV scheme and has copyright on all Intellectual Property, equipment, recorded material and documentation pertaining to all footage captured by the system

2.4. The responsibilities of Council in relation to the system are outlined in Section 9.

2.5. The Police are a partner in Council's CBD CCTV scheme. The responsibilities of the Police in relation to the scheme are outlined in Section 10.

## 3. OPERATION OF THE CBD CCTV SCHEME

3.1. The CBD CCTV scheme will be operated fairly, within applicable law and only for the purposes for which it is established, or which are subsequently agreed in accordance with the Code.

3.2. The CBD CCTV scheme will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

3.3. The public interest in the operation of the CBD CCTV scheme will be recognised by ensuring the security and integrity of operational procedures.

3.4. Council has primary responsibility for compliance with the purposes and objectives of the CBD CCTV scheme, for the maintenance, management and security of the system, and the protection of the interests of the public in relation to the scheme.

3.5. As a partner to Council's CBD CCTV scheme, the Police will act in accordance with the Code and the MOU.

3.6. Council will be accountable to the public for the effective operation and management of the CBD CCTV scheme.

3.7. The public will be provided with clear and easily accessible information in relation to the operation of Council's CBD CCTV scheme.

3.8. Regular monitoring and evaluation of the CBD CCTV scheme will be undertaken to identify whether the purposes are being complied with and objectives are being achieved.

3.9. Council staff who have delegated authority to provide footage to the Police for evidentiary purposes, whether they be operators or managers, will meet the highest standards of probity.

3.10. Access to recorded material will only be permitted by authorised Council staff.

3.11. Information recorded will be accurate, relevant and not exceed that necessary to fulfil the purposes of the CBD CCTV scheme.

3.12. Information will be obtained fairly and in accordance with the privacy provisions of the CBD CCTV Policy and the Code.

3.13. The retention of and access to recorded material will be only for the purposes provided for by this Code of Practice. Recorded material will be retained for 30 days. It will then be erased, recorded over, or destroyed.

3.14. Contact related to the CBD CCTV scheme between Council staff and the Police will be conducted strictly in accordance with the Code.

3.15. The CBD CCTV scheme will be confined to address the interests of the Bathurst region and the needs of the NSW Police and judicial system.

## **4. SYSTEM DESCRIPTION**

4.1. The System involves 9 cameras connected to a central location in the Bathurst Regional Council Civic Centre by a fibre network.

4.2. The cameras will operate on a 24 hour basis.

4.3. Pictures are transmitted live to observation screens at the Monitoring Point which is able to be monitored by the Police.

4.4. The Monitoring Equipment also provides the Police with the ability to review Recorded Material.

4.5. The system is directly linked with the Police to ensure instant communication and enable direct monitoring in certain circumstances such as an emergency. Monitoring will only be undertaken on an as needed basis by the Police.

4.6. All images are recorded and retained for 30 days.

## **5. CAMERA DESIGN**

5.1. A mix of fixed and PTZ cameras will be utilised to enable effective monitoring.

5.2. Each camera is to be housed in a tinted environmental dome for protection.

5.3. The camera technology used is to ensure maximum resolution and picture quality. The camera and system technology used will be regularly reviewed.

## **6. CAMERA LOCATIONS**

6.1. Cameras are installed in areas of the Bathurst CBD, identified by the Police as areas in need. These locations are determined partially on the basis of crime statistics provided by the Chifley Police District. Environmental considerations are also taken into account.

A total of 9 cameras have been installed in the following areas:

- a. 1 – Howick Street
- b. 2 – Cnr William and Russell Street
- c. 1 – Machattie Park
- d. 3 – Keppel Street
- e. 1 – Bentinck Street
- f. 1 – Court House Lane

## **7. CHANGES TO THE CBD CCTV SCHEME AND/OR THE CODE**

7.1. A minor change to the CBD CCTV Policy or Code may be made with the agreement of Council's General Manager. A minor change is a change which may be required for the purposes of adjustment of the scheme or clarification of the Code. An example may be the replacement of one brand of video recorder with another.

7.2. A major change to the CBD CCTV Policy or to the Code will take place only after consultation with relevant interest groups (Police, Business Owners, Public) and upon the agreement of Council. A major change is such as will have a significant impact upon the operation of the scheme or the Code. An example may be a change to the purpose of the scheme or a proposal to install further permanent cameras.

## **8. PURPOSE**

8.1. The objectives of the CBD CCTV scheme are:

To reduce the fear of crime as measured by:

- Increased community perception of safety within the CBD

To assist in the apprehension and prosecution of offenders as measured by:

- Increase in the number of offenders identified
- Increase in the number of offenders apprehended

8.2. The CBD CCTV scheme will only be used to identify crimes occurring within the area covered by the scheme.

8.3. The CBD CCTV scheme will be operated fairly, within applicable law, and only for the purposes for which it is established or which are subsequently agreed in accordance with the Code.

8.4. The CBD CCTV scheme will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

8.5. The public interest in the operation of the CBD CCTV scheme will be recognised by ensuring the highest levels of security and integrity in relation to recording and retention of material.

## **9. RESPONSIBILITIES OF COUNCIL – OWNER OF THE SCHEME**

9.1. Council will be responsible for the introduction and implementation of the Policy and SOP and for ensuring the compliance with the details contained within the Code.

9.2. Council will comply with the requirements for accountability set out in the Code.

9.3. Council will consult with and provide information to the public about the operation of the CBD CCTV scheme.

9.4. Council has the primary responsibility for compliance with the purposes and objectives of the CBD CCTV scheme, for the maintenance, management and security of the program and the protection of the interests of the public in relation to the scheme.

## **10. RESPONSIBILITIES OF THE POLICE – PARTNER TO THE SCHEME**

10.1. It is the responsibility of the Police to respond to incidents identified on monitoring screens to the extent that its resources and priorities allow.

10.2. The Police will develop its own operational procedures in relation to the CBD CCTV scheme to complement those developed by Council.

10.3. An MOU in relation to the CBD CCTV scheme will be entered into both by Council and the Police outlining the respective roles of both parties. The MOU and any variations to it are to be approved by Council's General Manager and the Police, and then circulated to Councillors.

10.4. As a partner to Council's CBD CCTV scheme, the Police agree to act in accordance with the CBD CCTV Policy, SOP, the Code and the agreed final form of the MOU.

## **11. ACCOUNTABILITY**

11.1. Council will be responsible for regular review of the CBD CCTV scheme, including the CBD CCTV Policy and the Code and performance of surveillance equipment:

- a. to identify and report on any deviations from the Code that come to notice during audit; and
- b. to recommend action that will safeguard the scheme from abuse.

11.2. A report on the operation and functioning of Council's CBD CCTV scheme will be presented to Council and the Police every 6 months in the first year of operation, then annually thereafter.

11.3. Council will nominate authorised Council staff, who are the contact and first point of call, for all applications, technical and operational matters and evaluation of information or requests received.

## **12. PUBLIC INFORMATION ABOUT THE OPERATION OF THE CBD CCTV SCHEME**

12.1. Clearly visible signs that CCTV cameras are operating will be displayed within the area covered by the CBD CCTV scheme. These signs will:

- a. inform the public that cameras are in operation and recording
- b. allow people entering the area to make a reasonable approximation of the area covered by the system
- c. identify Council as the owner of the system
- d. identify the footage may be monitored by the Police
- e. confirm the footage is being recorded

12.2. Copies of the CBD CCTV Policy, SOP and Code are available to the public.

12.3. Enquiries in relation to Council's CBD CCTV scheme and its operation can be made in writing to:

The General Manager  
Bathurst Regional Council  
Private Mail Bag 17  
BATHURST NSW 2795

or, alternatively, can be made by telephone on (02) 6333 6111 or, e-mail [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

12.4. The public will be provided with clear and easily accessible information in relation to the operation of Council's CBD CCTV scheme.

12.5. Upon the request by a member of the public or through a GIPA (Government Information and Public Access) file request for information related to video footage recorded through the CBD CCTV scheme, that the request be assessed by the General Manager of Council or their delegate, to its validity and requirement by law to supply such footage.

## **13. ASSESSMENT OF THE SYSTEM AND CODE OF PRACTICE**

13.1. In consultation with the Police, Council will regularly monitor the operation of the CBD CCTV scheme and implementation of the Code.

13.2. Council is responsible for ensuring that the CBD CCTV scheme is regularly subject to evaluation to identify whether its purposes are being complied with and whether objectives are being achieved. Resources committed to the system annually will include the cost of evaluation.

13.3. Evaluation will be carried out according to established criteria.

13.4. Evaluation of the CBD CCTV scheme will include as a minimum:

- a. the assessment of its impact upon crime;
- b. the views of the public on the operation of the scheme;
- c. whether the purposes for which the scheme was established still exist

13.5. The results of evaluation will be taken into account in the future functioning, management and operation of the System.

13.6. Regular monitoring and evaluation of the CBD CCTV scheme will be undertaken to identify whether the purposes of the scheme are being complied with and objectives are being achieved.

13.7. Continued involvement of an Evaluation Group throughout the use of the CBD CCTV scheme.

13.8. The functions of the CBD CCTV scheme Evaluation Group are:

- i) to ensure the scheme objectives are being met.
- ii) to provide information regarding public perceptions crime

13.9 The Evaluation Group is made up of relevant Council staff and Police representatives.

## **14. MANAGEMENT OF RECORDED FOOTAGE**

14.1. Council staff employed to work on the CBD CCTV scheme will be subject to Council's Code of Conduct and other Council policies.

14.2. A breach of the CBD CCTV Policy, Code and the Council's own Code of Conduct may lead to disciplinary proceedings for staff members.

14.3. Procedures will be put in place to ensure that access to recorded footage is restricted to operating staff and their managers and that the communications room and recorded footage are protected from unauthorised access.

14.4. Access to the recording equipment will be limited to Council staff with that responsibility.

14.5. All authorised staff who have access to recorded footage shall be required to obtain a National Police Certificate.

14.6. Access to recorded footage will be restricted to qualified operating staff. Footage will be protected from unauthorised access.

14.7. All authorised staff will be required to undergo approved induction/familiarisation training and are to be provided with a copy of the CBD CCTV Policy, Code and SOP.

14.8. Each new authorised staff member on completion of their training is to be proficient in:

- a. use and control of camera management systems;
- b. use and control of recording systems;
- c. policy and procedures relating to recording of information;
- d. emergency response and procedures;
- e. accountability and confidentiality issues; and
- f. privacy issues.

14.9. All authorised staff involved in the operation of the CBD CCTV scheme are required to sign a Confidentiality Agreement (attached to the SOP).

14.10. It is the responsibility of Council management to ensure that these agreements are signed prior to any person being involved in and/or having access to the operation of the CBD CCTV scheme.

## **15. CONTROL AND OPERATION OF CAMERAS**

15.1. The locations of cameras will be apparent to the public.

15.2. All use of cameras will accord with the purposes of the CBD CCTV scheme.

15.3. Cameras will not be used to look into adjacent or nearby premises or buildings, unless it is explicitly for the purpose of following (in real time) participants in a crime.

15.4. No sound will be recorded in public places.

15.5. Operators of camera equipment will act in accordance with the highest standards of probity. This will include:

- a. National Police Certificate
- b. Routine audit of the system including adherence to the Code and SOP

15.6. Only authorised staff with responsibility for using the equipment will have access to operating controls.

15.7. Information recorded should be accurate, relevant and not exceed that which is necessary to fulfil the purposes of the Program.

15.8. Information shall be obtained in accordance with the privacy provisions and meet all legislative requirements.

## **16. RECORDED MATERIAL**

16.1. Access to and use of recorded material will only take place:

- a. in connection with the investigation of crime by the Police; or
- b. if necessary for the purposes of legal proceedings; or
- c. in compliance with the Government Information (Public Access) Act 2009.

16.2. Recorded material will not be sold, transferred, copied or used for any commercial purposes or for the provision of entertainment.

16.3. The showing of recorded material to the public will be permitted only in accordance with the needs of the Police in connection with the investigation of crime or in any other circumstances provided by another law.

16.4. The use of recorded material by the media shall only occur to gain public information with respect to the identity of a person/s wanted in connection with a criminal investigation into a serious crime. Subject to the concurrence of the Police, the General Manager may approve such releases. In such cases the recognisable characteristics of all other people and vehicles in the footage must be obscured.

16.5. All images from recorded material shall not, under any circumstances, be used to publicise the existence or success of Council's CBD CCTV scheme.

16.6. Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

16.7. The retention of, and access to, recorded material will be only for the purposes provided for by the Code. Recorded material will be retained for 30 days. Images will then be erased, taped over, or destroyed as per recording room procedures.

16.8. Recorded material will be treated according to defined procedures to ensure continuity of evidence.

13.9. The Police may reproduce recorded footage or photographs for Court purposes or for the purposes of review by the NSW Ombudsman in the oversight or investigation of complaints under Part 8A of the Police Act, 1990 (NSW).

## 17. CONTACT WITH POLICE

17.1. Police officers will not be permitted to remove any recorded material or operate video equipment at any time unless under the terms of the Code or subject to the execution of a search warrant or other relevant legal process.

17.2. Any change in existing arrangements for Police contact with and the use of the CBD CCTV scheme will amount to a major change to the Code and must be agreed to in accordance with the Code before being implemented.

17.3. Contact related to the CBD CCTV scheme between Council staff and the Police will be conducted strictly in accordance with the Code.

## 18. BREACHES OF THE CODE

18.1. Prime responsibility for ensuring the Code is adhered to rests with Council. This responsibility includes ensuring that breaches of the Code which Council is made aware of and which are within the ambit of Council's power to remedy and investigate, are investigated and remedied.

18.2. Complaints in relation to any aspect of the management or the operation of the CBD CCTV scheme or the behaviour or conduct of Council staff may be made in writing to:

The General Manager  
Bathurst Regional Council  
Private Mail Bag 17  
BATHURST NSW 2795  
or e-mail [council@bathurst.nsw.gov.au](mailto:council@bathurst.nsw.gov.au)

### 18.3. General Complaints

- a. All complaints are to be in writing and to be addressed to the General Manager, Bathurst Regional Council.
  - i. First level – Manager Corporate Governance will review and provide a report to the complainant
  - ii. Second level – where the complainant is still dissatisfied, the complaint will be investigated by the Director Corporate Services and Finance, and results of the investigation reported to the complainant



- iii. Where the complaint cannot be resolved within Council, the complainant is referred to an outside agency to seek resolution.

18.4. Privacy Complaints

- i. A complaint regarding the conduct of a Police Officer/s in relation to the operation of the CBD CCTV system or footage shall be referred for investigation in the first instance to the appropriate Section of the NSW Police Force or authority charged with the responsibility for investigating complaints against Police Officers. ([http://www.police.nsw.gov.au/services/complain\\_about\\_a\\_police\\_officer](http://www.police.nsw.gov.au/services/complain_about_a_police_officer))
- ii. The Privacy and Personal Information Protection Act 1998 authorises the Information and Privacy Commission to receive and investigate complaints about alleged violation of, or interference with, the privacy of an individual. Any member of the public is entitled to lodge a complaint with the Information and Privacy Commission at:

Information and Privacy Commission  
GPO Box 7011  
SYDNEY NSW 2001  
Tel: 1800 472 679  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

18.5. The CBD CCTV scheme must address the interests of all who may be affected by it. The scheme is to reflect the interests of Council, the Police and the needs of the criminal justice system.

18.6. Council will cooperate with the investigation of any complaint by the Information and Privacy Commission.

**Bathurst Regional Council**

**Central Business District  
(CBD) Closed Circuit  
Television (CCTV) Scheme**

**Standard Operating  
Procedure**

# 1. CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV) STANDARD OPERATING PROCEDURE

## 1.1 Introduction

1.1.1 The Standard Operating Procedure (SOP) has been developed by Council as a requirement of the Code of Practice.

1.1.2 The SOP is based on the Code to ensure the principles and purposes of the CBD CCTV scheme are met.

1.1.3 The Police have entered into a Memorandum of Understanding with Council and have endorsed the SOP.

1.1.4. The CBD CCTV Policy will guide the successful implementation and management of the CBD CCTV Scheme.

## 1.2 Glossary of Terms

A glossary of terms as used in the SOP is set out below:

Term	Definition
Application Form	The Application Form used by the Police to access recorded images and attached to SOP at <b>APPENDIX 1</b> .
Closed Circuit Television (CCTV)	A surveillance system in which a number of cameras are connected through a closed circuit. The footage taken by the cameras is sent to a television monitor or recorder. CCTV systems consist of cameras, monitors, recorders, interconnecting hardware and support infrastructure (the scheme).
CBD CCTV Scheme	Bathurst Regional Council's CCTV system operating in the Bathurst Central Business District
Code	The Code of Practice developed by Council
Confidentiality Agreement	The Confidentiality Agreement attached to the SOP as <b>APPENDIX 2</b>
Council	Bathurst Regional Council
Image Recording Equipment	The computer that records and stores all footage recorded by CCTV cameras
Image Recording Point	That area of Council where the Image Recording Equipment is located and secured, which is under Council control
Monitoring Equipment	The monitor and computer from which the live footage can be viewed
Monitoring Point	That area of the Bathurst Police Station where the Monitoring Equipment is located and which is under Police control
MOU	The Memorandum of Understanding entered into between Council and the NSW Police in accordance with the Code
Bathurst Central Business District (CBD)	That area of the CBD that will be monitored by CCTV cameras as identified in Section 3 of the Code
Police	Chifley Police District, which is part of the NSW Police Force
CBD CCTV Scheme Policy	Policy developed by Council to ensure the effective, appropriate and lawful use of CBD CCTV scheme
Register of Access to CBD	Register maintained by Council and attached to the SOP as

CCTV Footage	<b>APPENDIX 3</b>
SOP	The Standard Operating Procedure, which give instructions on all aspects of the operation of the CBD CCTV scheme

### 1.3 Legislative Context

- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Surveillance Devices Act 2007
- Government Information (Public Access) Act 2009
- The Workplace Surveillance Act 2005
- Police Act 1990 (NSW)

### 1.4 Related Documents

- NSW Government Policy Statement and Guidelines for the Establishment and Implementation of Closed Circuit Television (CCTV) in Public Places
- Central Business District (CBD) Closed Circuit Television (CCTV) Policy
- Central Business District (CBD) Closed Circuit Television Code of Practice
- Central Business District (CBD) Closed Circuit Television (CCTV) Memorandum of Understanding

## 2. Equipment Usage

### 2.1 Monitoring Equipment

2.1.1. The Monitoring Equipment will be located at the Monitoring Point within the Bathurst Police Station to enable Police Officers only to view the live images generated by the CCTV cameras. The live images will only be visible and accessible to Police Officers. Police officers will only be able to view the live images at the Monitoring Point.

2.1.2. The Monitoring Equipment must be positioned so the public are not able to view it.

2.1.3. The Police will be able to control the operation of the cameras for viewing purposes.

2.1.4. The Monitoring Equipment will only be used for the objectives detailed in Section 5 of the Code.

2.1.5. The Monitoring Equipment must only be used by Police in the course of their duties.

2.1.6. A computer which is capable of viewing and retrieving footage, will be installed at Council. Council will not be responsible for monitoring footage. Only authorised Council staff will be able to access the footage using a personal username and password.

### 2.2. Image Recording Equipment

2.2.1. The Image Recording Equipment will be located at the Bathurst Regional Council Civic Centre, 158 Russell Street, Bathurst, NSW 2795.

2.2.2. The Image Recording Equipment will be operated by Council. The Police will not have access to the Image Recording Equipment.

2.2.3. Recordings will be made to a computer hard drive and may be exported to Police when the images are required for further investigation of an incident, for evidence in court or for other lawful reason.

2.2.4. The Police will be required to lodge a request to Council for any recorded images. This will be undertaken via electronic request. See Register of Access to CCTV Footage (**Appendix 3**).

2.2.5. All Police and Authorised Council Staff are to be aware of and agree to abide by the Code, MOU and SOP.

### **3. Access to Recorded Material**

3.1. The Council will be solely responsible for allowing access to recorded material in accordance with the Code.

3.2. Access to recorded material will be limited to Authorised Council staff who have received appropriate training and who have been issued with an individual user name and password in order to provide an audit trail of users of the system.

3.3. Requests for recorded material made during normal Council operating hours of 8:30am until 4:45pm.

3.4. In the case of an emergency out of normal Council operating hours, every effort will be made by Council to have staff available to create the recording, however Council cannot guarantee this in all instances.

3.5. When images are exported and retrieved by the Police, an entry into Council's record system is to be made by Council.

### **4. Use of Recorded Material**

4.1. The use of recorded material is detailed in Section 16 of the Code.

### **5. Confidentiality**

5.1. Any Council staff or contractors involved in any of the processes described in this SOP will be required to sign a confidentiality document stating that they will not disclose to anybody, or any organisation, unless otherwise lawfully directed to do so, any information about any image which they observed generated by the CCTV cameras. The Confidentiality Agreement is attached as **Appendix 2**.

**APPENDIX 1****APPLICATION FORM****REQUEST FOR A COPY OF RECORDED MATERIAL FROM COUNCIL'S CBD  
CCTV SCHEME**

Recorded material is retained by Bathurst Regional Council for 30 days only. Requests for recorded material must be made within 21 days of the incident occurring.

**Applicant Details**

Name and Police ID: .....

Rank: .....

Locations / Unit: .....

Phone: .....

Email: .....

**Details of Request**

I request a copy of images recorded by Bathurst Regional Council's CBD CCTV scheme. The images I request relate to:

From (date and time): .....

To (date and time): .....

Location(s): .....

Camera ID(s): .....

Incident / COPS No: .....

I require a copy of the image for the purpose(s) of: .....

.....

By submitting this form, I acknowledge that I am the applicant seeking access to the Recorded Material from the cameras as part of the Bathurst CBD CCTV scheme and I will not make a copy of the images provided or disclose the images to any other individual unless lawfully required to do so.

Applicant's Signature:

Date:

Signature

Authorised Persons Name:

**Privacy Statement:** The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

**APPENDIX 2**

**CONFIDENTIALITY AGREEMENT – OPERATION OF CBD CCTV CAMERAS**

I ..... an employee of  
(Full Name Printed)

.....:  
(Print Name of Employer/Organisation)

1 will not disclose, unless lawfully directed or as a bona fide part of my employment, any matter or information which comes to my knowledge in relation to or emanating from the operation of the CBD CCTV cameras owned by Bathurst Regional Council.

2 acknowledge that this agreement is not limited to my current period of employment or to any time limit period.

3 understand that failure to observe this confidentiality may result in legal action being taken against me and/or employment disciplinary action

.....  
(Signed) (Date)

.....  
(Witness) (Date)

**APPENDIX 3****REGISTER OF ACCESS TO CBD CCTV FOOTAGE**

<b>Police Officer requesting footage</b>	<b>Date of application</b>	<b>Date and time of recorded images requested</b>	<b>Date and time footage exported</b>	<b>Authorised Council staff member who exported footage</b>	<b>Date exported footage provided to applicant</b>



**COUNCILLORS/ DELEGATES REPORTS - ATTACHMENTS**

ORDINARY MEETING OF BATHURST REGIONAL COUNCIL

15 MAY 2019

**MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN  
COUNCIL CHAMBER ON TUESDAY 2 APRIL 2019**

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**PRESENT:** Jack Lynch, Angus Cooke, Matthew Bignell, Gabrielle Boshier, Lydia Nichols, Lucinda Begg, Taylah Muller, Natalia Burgess, Matilda Whittaker, Taylor Kessey.

**IN ATTENDANCE:** Erin Trevor-Jones (Community Development Team Leader, Bathurst Regional Council)

**1. APOLOGIES**

Reagan Haysom, Faith Shean, Madeline Siemsen.

**2. ADOPTION OF PREVIOUS MINUTES**

**RESOLVED** that the minutes of the meeting held 12 February 2019 be accepted.

**Moved:** Jack Lynch

**Seconded:** Taylor Kessey

**3. YJAM IN THE PARK**

- Promotion:
  - Posters – Youth Council have been distributing these
  - The event has been discussed at school assemblies and included in newsletters
- MC for the event – Lucinda, Matthew, Gabby and Jack chose to do this role. Erin will prepare speaking notes for all MC's.
- Food and drinks – there will be one food van attending who will have pies, sausage rolls, hot chips and pulled pork sliders available. There will also be hot and cold drinks.
- Security and safety – security guards will be in attendance. Erin reminded the Youth Council that it is their responsibility to report any issues or concerns.
- First aid officer will be in attendance – report issues to them.
- Toilets – public toilets in Machattie Park are located some distance away from the event. Security will patrol the path between the events and toilets. Youth Council asked to always go in pairs if they go to the toilet.
- Event layout – there will be picnic rugs, high tables and bar stools.
- Gas heaters have been ordered.
- Mayor is attending to officially open Youth Week 2019.
- Youth Council to arrive at event at 5:30pm and event concludes at 10:00pm. Pack up should be complete by 10:30pm. All Youth Councillors will be provided dinner.
- Photo was taken of Youth Council for Bathurst Youth Facebook page.

**MINUTES OF BATHURST REGIONAL YOUTH COUNCIL MEETING HELD IN  
COUNCIL CHAMBER ON TUESDAY 2 APRIL 2019**

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**4. NSW YOUTH WEEK**

Promotional poster distributed to Youth Councillors to be displayed at all schools.

Various Youth Week events being held were discussed.

**5. GENERAL BUSINESS**

- Harmony Day and Sustainable Living Expo were discussed – Youth Council provided positive feedback about their involvement in both events.
- Ordinary Council meetings – Natalia, Lucinda and Taylah have not attended as yet. Lucinda and Taylah are not available on Wednesday nights. Natalia to attend May meeting.
- Recruitment for 2019/2020 Youth Council will be carried out throughout May and June. Jack, Matilda, Matthew, Natalia and Lydia all agreed to be involved in this process, such as speaking at their school assemblies.
- Future event ideas – Youth Council would like to continue with How to Adult Workshops but felt Term 2 would be a more suitable time as the end of the year is busy.
- 2018/2019 Youth Council indicated that they would be happy to be involved in planning events for 2019/2020 Youth Council.

**7. NEXT MEETING – TUESDAY 11 JUNE 2019**

The next meeting will be held Tuesday 11 June 2019 at 11:15am. This will be the final 2018/2019 Youth Council meeting.

**8. MEETING CLOSE**

There being no further business, the meeting closed at 12:20pm.